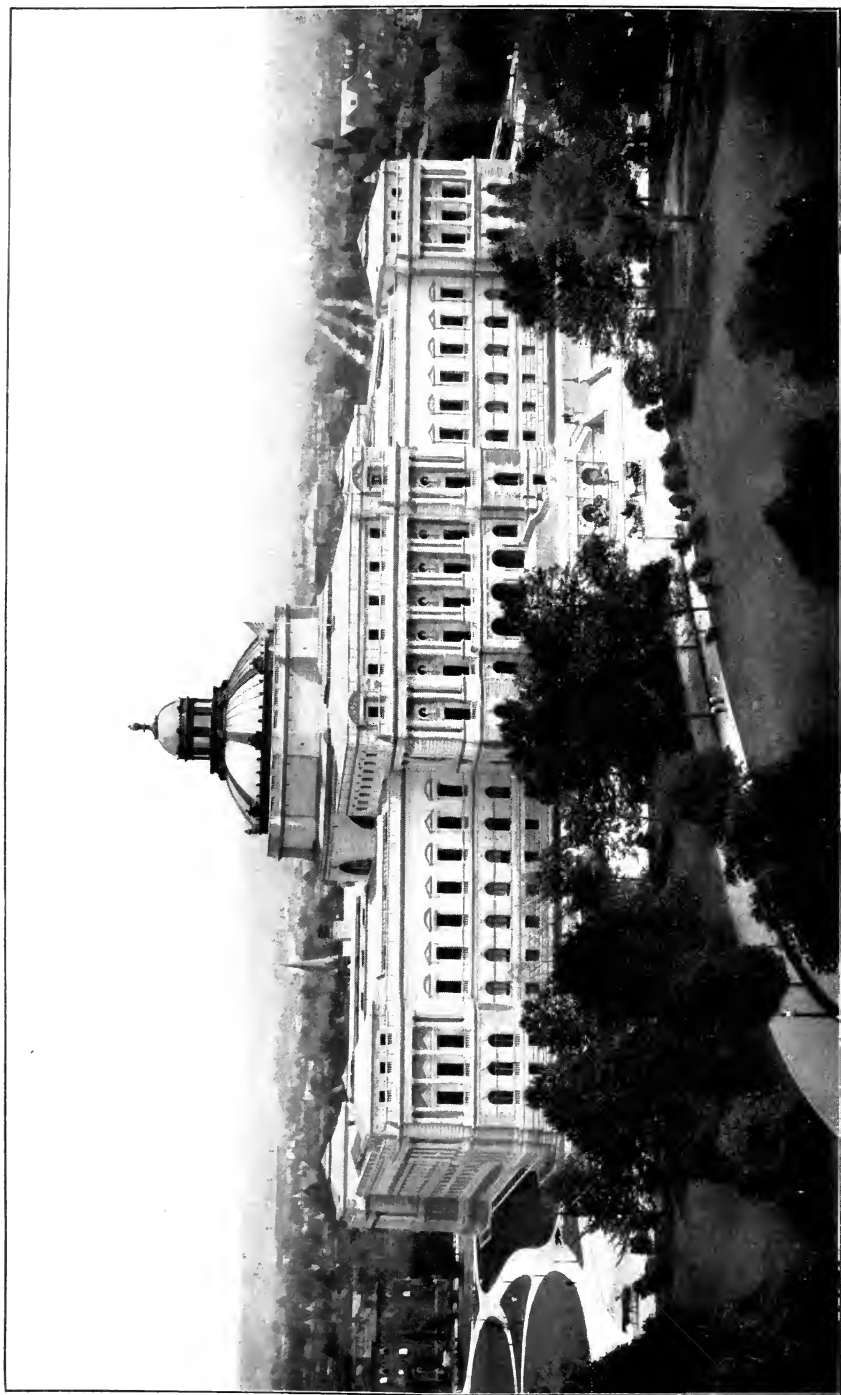




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THE LIBRARY OF CONGRESS.

h.s.
LIBRARY OF CONGRESS

REPORT OF THE
LIBRARIAN OF CONGRESS

AND

REPORT OF THE
SUPERINTENDENT OF THE LIBRARY
BUILDING AND GROUNDS

FOR THE FISCAL YEAR
ENDING JUNE 30

1911



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WASHINGTON
GOVERNMENT PRINTING OFFICE
1911

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ILLUSTRATIONS

The Library of Congress. Exterior view.....	Frontispiece
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LIST OF OFFICERS

LIBRARIANS SINCE THE INCEPTION OF THE LIBRARY

- 1802-1807—John Beckley, Clerk of the House of Representatives and Librarian
1807-1815—Patrick Magruder, Clerk of the House of Representatives and Librarian
1815-1829—George Watterston
1829-1861—John Silva Meehan
1861-1864—John G. Stephenson
1864-1897 (*June 30*)—Ainsworth Rand Spofford
1897 (*July 1*)-*January 17, 1899*—John Russell Young
1899 (*April 5*)—Herbert Putnam

LIBRARY STAFF

GENERAL ADMINISTRATION

- HERBERT PUTNAM—Librarian of Congress
APPLETON PRENTISS CLARK GRIFFIN—Chief Assistant Librarian
Allen Richards Boyd—Chief Clerk
Jessica Louise Farnum—Secretary

DIVISIONS

- Reading Rooms*—William Warner Bishop, Superintendent; Hugh Alexander Morrison, John Graham Morrison, chief assistants
Division of Bibliography—Hermann Henry Bernard Meyer, Chief
Catalogue Division—Charles Harris Hastings, Chief; Charles Martel, in charge of Classification
Division of Documents—Henry John Harris, Chief
Division of Manuscripts—Gaillard Hunt, Chief
Division of Maps and Charts—Philip Lee Phillips, Chief
Division of Music—Oscar George Theodore Sonneck, Chief
Order Division—Frederick William Ashley, Chief
Division of Periodicals—Clarence W. Perley, in charge
Division of Prints—Arthur Jeffrey Parsons, Chief
Smithsonian Deposit—Paul Brockett, Custodian (office at Smithsonian Institution), Francis Henry Parsons, assistant in charge
Law Library—Edwin Montefiore Borchard, Law Librarian

COPYRIGHT OFFICE

THORVALD SOLBERG, Register of Copyrights

ERNEST BRUNCKEN, Assistant Register of Copyrights

LIBRARY BRANCH, GOVERNMENT PRINTING OFFICE

Printing—William Henry Fisher, foreman*Binding*—Charles E. Malpas, foreman

LIBRARY BUILDING AND GROUNDS

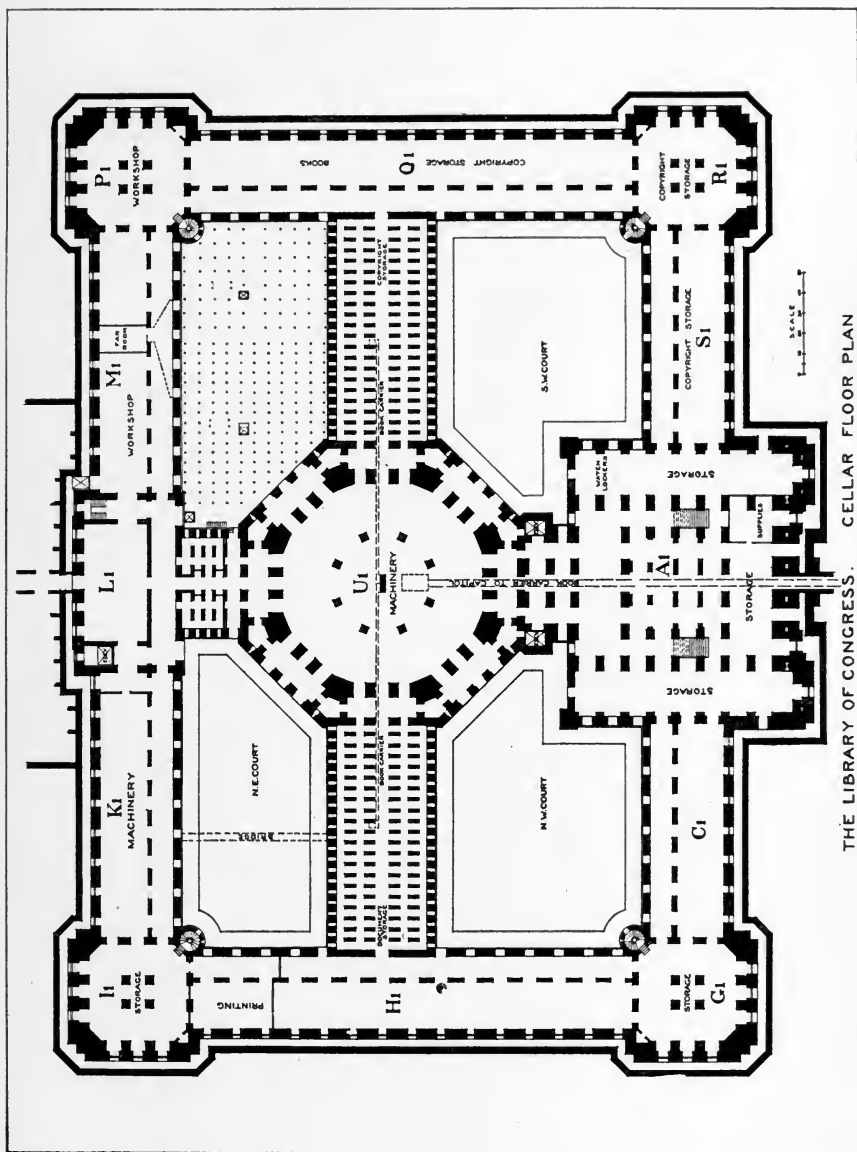
BERNARD RICHARDSON GREEN—Superintendent

John Quade Sheehy, Chief Clerk

Charles Benjamin Titlow, Chief Engineer

Henry Whitehead, Electrician

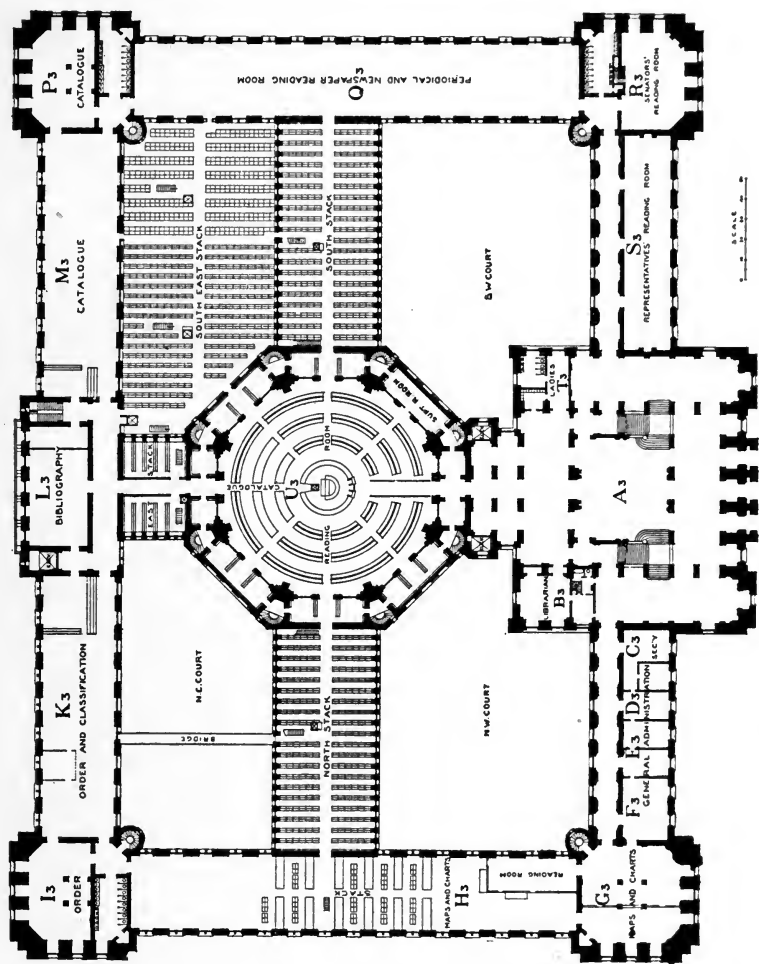
John Vanderbilt Würdemann, Captain of the watch



THE LIBRARY OF CONGRESS. CELLAR FLOOR PLAN

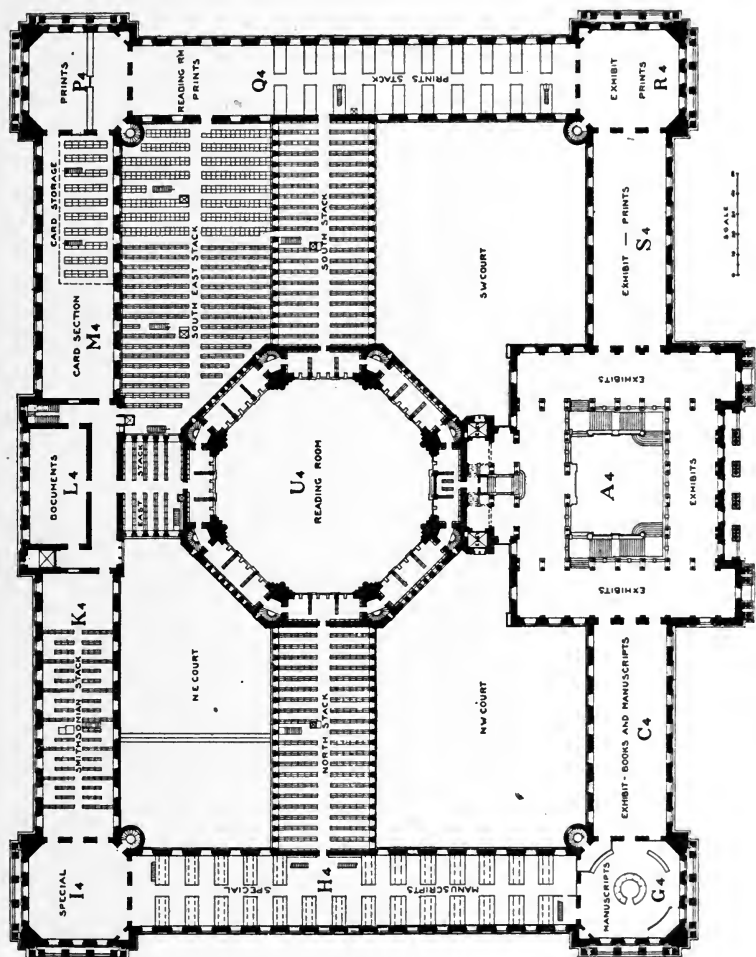




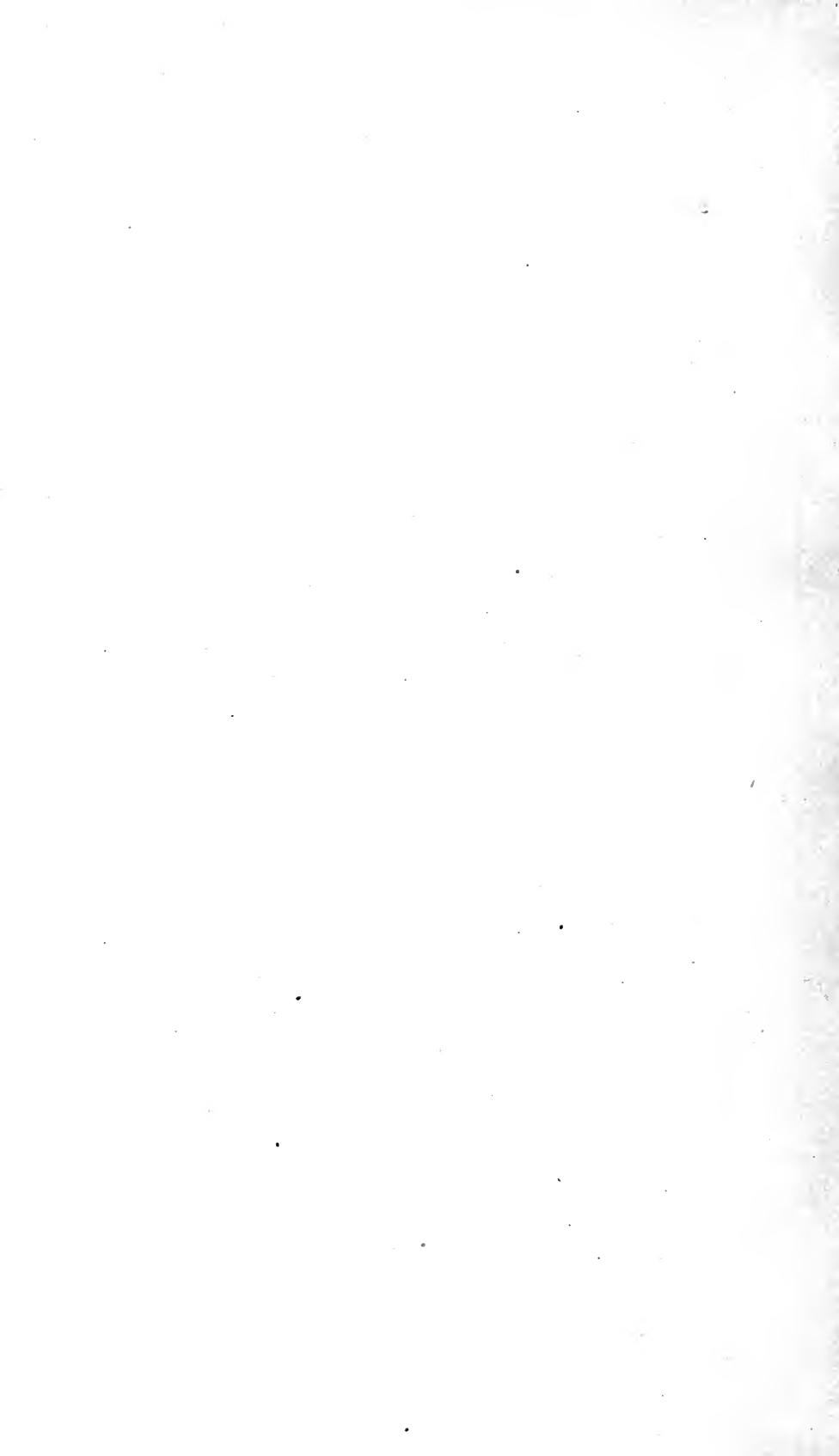


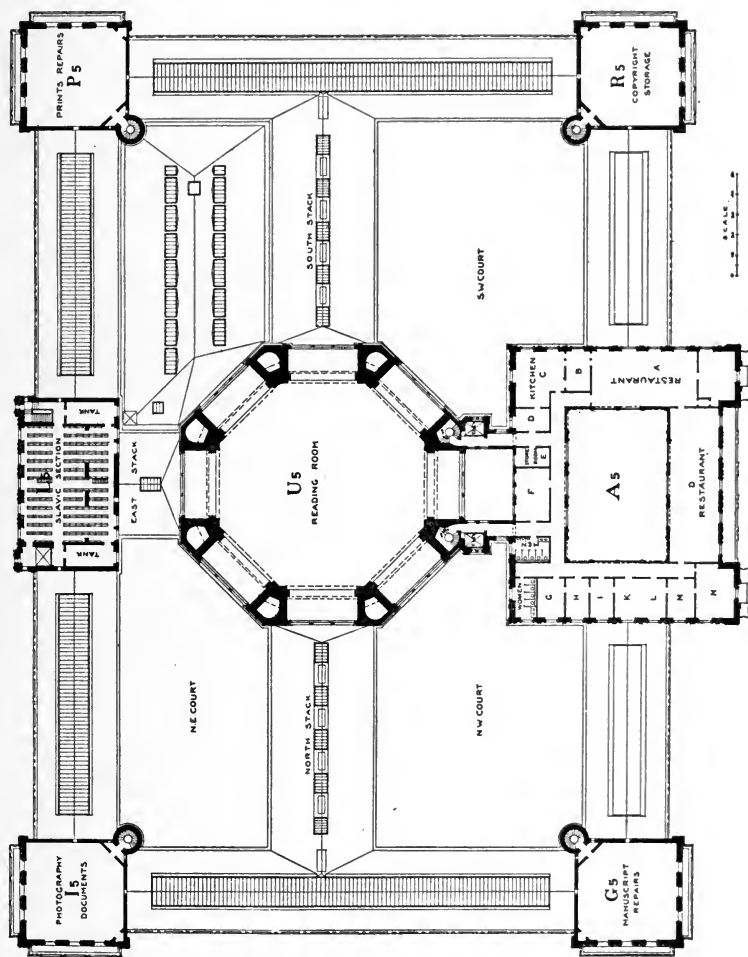
THE LIBRARY OF CONGRESS FIRST FLOOR PLAN





THE LIBRARY OF CONGRESS SECOND FLOOR PLAN





THE LIBRARY OF CONGRESS. ATTIC PLAN.

REPORT OF THE LIBRARIAN OF CONGRESS

LIBRARY OF CONGRESS

Washington, D. C., December 4, 1911

SIR: I have the honor to submit herewith my report as Librarian of Congress for the year ending June 30, 1911. The report of the Superintendent of the Library Building and Grounds (and Disbursing Officer) follows, beginning at page 81.

In the internal affairs of the Library the record of the year shows rather a steady progress along lines now well established than any novelty of importance, except the more systematic and extended distribution of copyright duplicates to other Federal libraries under the enabling provisions of the copyright act of March 4, 1909. The expansion of the collections by gift and transfer as well as purchase has been normal; the additions from each source including items of interest and importance. Further statements regarding these, with some examples, appear in the reports of the several Divisions, Manuscripts, Maps, Music, Documents, Law, and in the account of the Increase of the Library.

The purchases have been almost exclusively of material whose *content* renders it indispensable to the serious investigator. For that other class—of books and manuscripts precious from their form or mere rarity—it is increasingly evident that the Library can not from its ordinary funds compete with institutions endowed within particular fields,

or with the private collector. Such material also would be appropriate here; it would render a service both notable and wide reaching; it is the customary distinction of other national libraries; and its absence from the National Library of the United States must be held a sort of reproach. Yet with prices as they are, and competition keen, we can not apply our funds to it without neglect of the obligations which seem primary and imperative. The sale at auction in May last, of the first section of the Robert Hoe collection, afforded a signal illustration of our inabilities. There was not a single item offered, not already here, which would not have been an appropriate, and in its way a useful addition to our collections: there was not, however, a single one upon which we felt that we could justifiably bid.

It is evident that for such material we must depend chiefly upon gift and bequest. And it is our hope that the time is not distant when much of it will come to us in this way. The hope should seem well founded when one considers that this is the National Library of the United States, situated at our national capital, a center for research, and a Mecca for tourists from all parts of the country and practically all visitors from abroad. It is surely not too much to expect that owners of private collections, considering a disposition of them that will combine distinction with utility, will in time give it the preference over institutions merely local—just as they may give the National Museum and National Gallery a similar preference where the material is within their respective fields. Evidence is not lacking that such considerations are already appealing to owners of private libraries as they have to the owners of family papers—so many of which have been placed with us; and actual inquiry has induced us to suggest a form of gift or bequest the most secure and most suitable. It is to "*The United States of America, to be placed in the Library of Congress and administered therein by the authorities thereof.*"

The Library has recently been the beneficiary of two bequests from abroad. One in 1910 was by the late Henry Harrisse, the well known cartographer, bibliographer, and historian of the period of Columbian discovery, an American, but long time resident of Paris. It included a full set of his own writings, annotated; and miscellaneous books, maps and manuscripts on related topics—all of course of signal interest to our collections. The other, in May, 1911, was by the late Dr. Adolf Bernhard Meyer, Director of the Museum of Zoology, etc. at Dresden, of "the letters of Professor F. Blumentritt, of Leitmeritz, on account of the many items of information relating to the Philippines." Owing to delay in the probate proceedings neither bequest has yet been received, but they are noted here as a recognition by competent authorities of the position which the Library is assuming in the world of institutions and in perspective.

The publications of the year listed on pages 71-73 of this report, have been of the usual character, though in each case adding to the bibliographic aids useful to Congress, to the Government generally, to libraries, and to individual investigators. The work of classification and cataloguing though in figures showing no acceleration, is improving in method; and the distribution of the product to other institutions in the form of the printed cards has increased in its normal ratio. The use of books and other material within the building has remained about constant; but the increased demand by Members of Congress, for books and also for bibliographic information—particularly during the special session—has been marked.

The outside relations of the Library have continued cooperative within its abilities. It was officially represented at the Pasadena meeting of the American Library Association only by an assistant from its Card Section, the Librarian himself being detained at Washington by the special session of Congress. It was, however, a participant in the Interna-

tional Congress of Music at Rome in April, 1911 and at the meeting of the Internationale Musik Gesellschaft at London in May, 1911, by the Chief of its Division of Music, Mr. Sonneck, who in each case appeared also as the official representative of the United States Government; the Assistant in Charge of the Reading Room for the Blind attended as a Government delegate, the International Congress for the Amelioration of the Lot of the Blind at Cairo in February 1911; her travel expenses being generously met by a private contributor, who had been similarly generous in enabling her to participate at various other such Congresses held in Europe.

SERVICE

The service has shown the usual number of changes in subordinate positions and two of moment. On January 1, 1911, Mr. Middleton G. Beaman resigned the librarianship of the Law Library to become associated with the Legislative and Bill Drafting Bureau now, with an endowment, attached to Columbia University; and on October 1 Mr. J. David Thompson resigned the charge of our Division of Documents to become Law Librarian at Columbia, to which institution we had already, indirectly, surrendered Dr. W. D. Johnston as University Librarian. Mr. Beaman's distinctive work with us was the direction and part editorship of the Index to the Statutes at Large; Mr. Thompson's has been various, including not merely (of late years) the administration of the Division of Documents, but final revision in classification and subject heading, of the literature of the pure sciences; and for several years the laborious compilation and editorship of the Handbook of Learned Societies, the American Section of which was published by the Carnegie Institution, and the remainder of which remains on cards.

To the law librarianship, I have advanced Mr. E. M. Borchard, already an assistant in the Division, who as appears

from his report, is applying himself for the present particularly to the development of our collection of contemporary foreign law, not neglecting the problems of cataloguing and classification, which in the case of the Law Library have yet to be dealt with seriously.

For the conduct of the Division of Documents we have secured the services of Dr. Henry J. Harris, courteously relinquished to us by the Commissioner of Labor, in whose bureau he has been employed during the past 10 years in research work, compiling, editing, and recently as Chief of the Research and Digest Division. Dr. Harris brings to the office not merely this useful experience (preceded by a period of service as statistician and translator in the Bureau of the Mint and writer of monographs and assistant librarian in the Bureau of Statistics); but also advanced academic training in political, economic, and social science previously pursued in Germany and in England in qualification for his doctorate. His accession to the staff may therefore benefit not merely the Documents Division but various particulars of the classification and subject catalogue, and, of course, the expert personal service to the public.

FINANCE

The table given on the following page exhibits the appropriations and expenditures of the Library proper and of the Copyright Office for the fiscal year, and the appropriations for the year now current. Included also are the appropriations for the equipment and care of the building and grounds, expended by the Superintendent. The allotment for printing and binding (during the past year \$202,000) is not included.

Object of appropriations	Appropriations, 1910	Appropriations, 1911	Expenditures, 1911	Appropriations, 1912
Library and Copyright Office:				
Salaries—				
General service.....	\$241,900.00	\$245,080.00	\$244,498.47	\$246,420.00
Special service.....	<i>a</i> 2,051.83	<i>a</i> 2,450.68	1,955.85	<i>a</i> 2,494.83
Sunday service.....	10,000.00	10,000.00	9,894.65	10,000.00
Distribution of card indexes..	<i>b</i> 17,363.45	<i>b</i> 19,563.58	<i>b</i> 19,472.72	21,800.00
Index to the Statutes at Large	10,000.00	5,000.00	4,999.51	.....
Carrier service.....	* 560.00	960.00	960.00	960.00
Copyright Office.....	<i>c</i> 87,860.00	92,900.00	†92,808.60	95,180.00
Increase of Library.....	<i>e</i> 108,000.00	<i>e</i> 108,000.00	<i>d</i> 108,000.00	<i>e</i> 98,000.00
Contingent expenses.....	<i>f</i> 7,331.46	7,300.00	7,289.20	6,800.00
Total Library and Copyright Office.....	485,066.74	491,254.26	489,879.00	481,654.83
Building and grounds:				
Care and maintenance.....	76,905.00	76,905.00	75,368.81	71,705.00
Fuel, light, and miscellaneous...	32,500.00	32,500.00	32,472.47	18,000.00
Furniture and shelving.....	25,000.00	25,000.00	24,973.82	20,000.00
Sunday opening.....	2,800.00	2,800.00	2,735.19	2,800.00
Book stack, southeast court of building.....	<i>a</i> 233,329.89	<i>a</i> 38,589.43	29,906.46	<i>a</i> 8,682.97
Grand total.....	855,601.63	667,048.69	655,335.75	602,842.80

a Includes balance from preceding year.

b Appropriation 1910 includes credits \$563.45 on account of sales to government institutions. Appropriation 1911 includes \$763.58 credits on account of sales to government institutions. Does not include \$54.68 yet to be credited. Expenditures 1911 (\$19,472.72) offset by subscriptions covered into the Treasury (\$33,818.82). An indebtedness of \$141.50 is to be paid when amounts due through sales to government institutions have been credited in full.

c Includes \$500 deficiency.

d Expenditures 1911 include outstanding orders.

e Appropriation 1910 and 1911 exclusive of \$1,500 and appropriation 1912 exclusive of \$2,000 to be expended by the marshal of the Supreme Court for new books for that body.

f Includes credits of \$31.46 on account of sales of stationery to Superintendent, Library building and grounds.

* Effective December 1, 1909–June 30, 1910.

† Offset by fees covered into the Treasury (\$109,913.95).

Appropriations

The appropriations for 1911 varied from those in the year preceding only in the following particulars:

Salaries (general service)—*Reading Room*: Stenographer and typewriter at \$900, 2 assistants at \$600 each, and a telephone operator at \$600.

Law Library: One assistant at \$480.

Copyright Office: Salary of Register of Copyrights increased from \$3,500 to \$4,000; and the following additional

positions: 1 at \$1,500, 3 at \$900, 1 at \$480, and a junior messenger at \$360.

Carrier service: "For services in connection with the Senate and House Office Building \$960 or so much thereof as may be necessary" in place of "2 messengers at \$40 per month each, to serve during the session of Congress and for services in connection with the House Office Building."

Index to the Statutes at Large: The appropriation for the completion of the index to the statutes at large reduced from \$10,000 to \$5,000.

Card indexes: The appropriation for services in connection with the distribution of card indexes increased from \$16,800 to \$18,800.

Increase of the Library of Congress: The item made to read: For purchase of books for the Library, *including payment in advance for subscription books and society publications, etc.*

Law books: The item made to read: For purchase of books and for periodicals for the law library, under the direction of the Chief Justice, *including payment in advance for subscriptions to law periodicals.*

Building and grounds: A further sum of \$10,000 appropriated for the completion of the construction, mechanical equipment, electric lighting, and roofing of a stack of shelving for bound newspapers and books in the southeast court of the Library building.

The appropriations for 1911-12 include the following changes and additional provisions:

Changes in appropriations 1911-12

Salaries (general service)—General administration: Salary of Librarian of Congress increased from \$6,000 to \$6,500; and the additional position, one clerk at \$1,200.

Mail and Delivery: One position at \$720 omitted.

Reading Room: One position at \$1,200 (Reading Room for the Blind) omitted; additional positions: two at \$600.

Law Library: Change in phraseology: Assistant (instead of messenger) at \$900; additional position: junior messenger at \$360.

Index to Statutes at Large: Appropriation omitted.

Copyright Office: Three clerks at \$2,000 each, instead of two (Chief Clerk and Chief of Bookkeeping Division, and Chief of Application Division) at \$2,000, and one at \$1,800; and in addition one clerk at \$1,600; two (instead of one) at \$480.

Card indexes: The appropriation for services in connection with the distribution of card indexes increased from \$18,800 to \$21,800.

Increase of the Library of Congress: The appropriation reduced from \$100,000 to \$90,000.

New books of reference for the Supreme Court: The appropriation increased from \$1,500 to \$2,000.

Contingent expenses: The appropriation reduced from \$7,300 to \$6,800.

Library estimates, 1911-12: The following positions asked for in the estimates for 1911-12 were not granted:

<i>Administration:</i> Clerk.....	\$1,000
<i>Order and Accession:</i> Assistant in charge publications.....	1,500
One junior messenger.....	360
<i>Documents:</i> One assistant.....	1,200
<i>Music:</i> One assistant.....	900
<i>Law Library:</i> One stenographer and typewriter (granted for 1911 by Senate but omitted in conference).....	900
<i>Copyright Office:</i> One clerk.....	480

Increases of salary recommended, not granted:

<i>Administration:</i> Librarian of Congress at \$7,500 in place of Librarian of Congress at \$6,000—increase of \$500 granted; not granted.....	\$1,000
<i>Binding:</i> Assistant in charge at \$1,500 in place of assistant in charge at \$1,400—increase of.....	100
<i>Periodical:</i> Chief of division at \$2,500 in place of chief of division at \$2,000—increase of.....	500
<i>Documents:</i> Assistant at \$1,500 in place of assistant at \$1,400—increase of.....	100
<i>Maps and Charts:</i> Assistant at \$1,500 in place of assistant at \$1,400—increase of.....	100
<i>Prints:</i> Chief of division at \$3,000 in place of chief of division at \$2,000—increase of.....	1,000
Assistant at \$1,500 in place of assistant at \$1,400—increase of.....	100
<i>Smithsonian Division:</i> Assistant at \$1,500 in place of assistant at \$1,400—increase of.....	100

COPYRIGHT OFFICE

The report of the Register of Copyrights appears in full as ^{COPYRIGHT.} Appendix II, and is also separately printed by the Copy- ^{Statistics} right Office. It includes the text of the one copyright bill introduced in the third session of the Sixty-first Congress, and of the opinions of the Attorney-General bearing upon the copyright law.

The principal statistics of the business done during the year are as follows:

Fees received and applied	Fiscal year 1910-11
Registrations (\$1) including certificates.....	\$101,561.00
Registrations (50 cents) photographs, no certificates.....	6,354.50
Registrations (50 cents) renewals.....	464.00
For copies of record.....	364.00
For assignments and copies of same.....	910.00
For notices of user.....	63.75
For indexing transfers of proprietorship.....	64.70
For searches.....	132.00
Total.....	109,913.95
Total number of deposits received (material of all classes, including dupli- cates).....	209,227
Total number of registrations.....	115,198
Total communications received, including parcels, but excluding deposits noted above.....	137,000
Total communications sent out (including letters written).....	136,800

The fees from copyrights are covered into the Treasury and not applied directly to the maintenance of the Copyright Office. They form a regular revenue of the government, however, and a net revenue over the direct expenses of the office, as appears from the comparison following.

RECEIPTS		COPYRIGHT OFF- FICE:
Fees covered in during the fiscal year 1910-11 as above....	\$109,913.95	<i>Receipts and ex- penses</i>
EXPENSES		
Salaries as stated.....	\$92,808.60	
Stationery and sundries.....	1,007.96	
		93,816.56
Net cash earnings.....		16,097.39

The amount expended for salaries (\$92,808.60) includes the sum of \$4,680 paid in salaries to certain employees who have been classifying and crediting the old deposits received prior to 1897. This expenditure is chargeable to arrears. The *current* expenses of the Office are therefore considerably more than met by the *current* receipts.

The above statement includes all *disbursements* except the cost of furniture, of printing, and of binding, but only *cash* receipts. In addition to cash fees the copyright business brings each year to the government, in articles deposited, property to the value of many thousands of dollars. During the past fiscal year 209,227 such articles were received. The value of those drawn up into the collections of the Library far exceeded the amount of net cash earnings.

The work of the Copyright Office is divided into two parts: (1) The current business, covering applications received since the reorganization of the Office under the Register in 1897; (2) The arrears, the classification, crediting, and indexing of the entries and deposits prior to 1897 (i. e., from 1870, when the copyright business was first placed under the Librarian of Congress).

*Current copy-
right business*

On the 7th day of July, 1911, when the report of the Copyright Office was submitted, the remittances received up to the third mail of the day had been recorded and acknowledged; the account books of the bookkeeping division were written up and posted to June 30, and the accounts rendered to the Treasury Department were settled up to and including the month of June, while earned fees to June 30, inclusive, had been paid into the Treasury. All copyright applications received up to and including June 30 had been passed upon and refunds made.

The total unfinished business for the full 14 years from July 1, 1897, to June 30, 1911, amounts to but \$864.44, against a total completed business for the same period of \$1,072,981.65.

At the close of business on July 7, 1911, the works deposited for copyright registration up to and including June 30 had all been recorded as well as a large part of the publications received since that date.

The Catalogue of Copyright Entries, which since the transfer of its publication from the Treasury Department to the Library of Congress has been issued in four separate parts, was continued in five annual volumes properly indexed.

During the fiscal year about 13,000 articles received prior to July 1, 1897, were examined preparatory to being credited to their respective entries. Entries were found for some 12,000 of these and 5,265 were duly credited.

During the past 14 years the business done by the Office shows the following:

Total number of entries.....	1,456,801
Total number of articles deposited.....	2,582,170
Total amount of fees received and applied.....	\$1,072,981.65
Total expenditure for service.....	\$910,076.42
Net receipts above expenses for service.....	\$162,905.23

During the 41 years since the copyright work became a business of the Library of Congress the total number of entries has been 2,337,657.

Under authority of sections 59 and 60 of the copyright act, 20,572 volumes have been transferred to the Library from the old deposits in the Copyright Office; 6,695 books deposited in governmental libraries in the District of Columbia, and 17,117 articles have been returned to copyright claimants, including 635 books, 3,058 photographs, 10,406 prints, and 2,981 contributions to periodicals.

INCREASE OF THE LIBRARY

Adopting the count of printed books and pamphlets made in June, 1902, as being accurate, the total contents of the Library, inclusive of the Law Library, at the close of the past two fiscal years follows:

Copyright business prior to July 1, 1897

Elimination of copyright deposits

Contents of the Library, June 30, 1910, and June 30, 1911

Description	Contents of the Library		
	1910	1911	Gain
Books.....	1, 793, 158	1, 891, 729	98, 571
Manuscripts (a numerical statement not feasible).....			
Maps and charts (pieces).....	118, 165	123, 568	5, 403
Music (volumes and pieces).....	517, 806	557, 010	39, 204
Prints (pieces).....	320, 251	336, 966	16, 715

Description	Net accessions	
	1910	1911
Printed books and pamphlets.....	90, 473	98, 571
Manuscripts (a numerical statement not feasible).....		
Maps and charts (volumes and pieces).....	6, 822	5, 403
Music (volumes and pieces).....	16, 513	39, 204
Prints (pieces).....	17, 215	16, 715
Miscellaneous.....	93	55

ACCESSIONS :
Books and pamphlets by sources

The accessions of books and pamphlets during the past two years, in detail, classified by source, were as follows:

How acquired	1910	1911
By purchase.....	23, 754	20, 704
By gift.....	8, 012	9, 181
By transfer from United States Government libraries.....	26, 087	22, 765
From the Public Printer by virtue of law.....	4, 271	3, 067
By International Exchange (from foreign Governments).....	10, 242	10, 618
Gifts of the United States Government in all its branches.....	1, 557	1, 431
Gifts from State governments.....	6, 386	7, 767
Gifts from local governments.....	2, 936	3, 256
Gifts from corporations and associations.....	163	414
By copyright.....	13, 210	¹ 32, 295
By Smithsonian.....	2, 461	3, 913

¹ This includes 17,766 volumes added to the reserve collections.

How acquired	1910	1911
By exchange (piece for piece).....	2, 824	3, 714
By priced exchange.....	113	50
Library of Congress publications (specially bound).....	158	293
Gain of volumes by separation in binding, and by binding of books and periodicals previously uncounted or uncounted in their present form.....	14, 212	10, 766
Total added—books, pamphlets, and pieces.....	116, 386	130, 234
DEDUCTIONS		
By consolidation in binding.....	10, 536	8, 730
Duplicates sent in exchange.....	8, 265	16, 742
Returns of college and library catalogues.....	7, 056	6, 191
Books withdrawn from stacks and returned to Copyright Office.....	56	.....
	25, 913	31, 663
Net accessions.....	90, 473	98, 571

There have been no considerable gifts of collections of books. Worthy of mention, however, are the following: *Gifts*

From Mr. J. Pierpont Morgan a copy of the "Catalogue of the collection of jewels and precious works of art, the property of J. Pierpont Morgan: compiled at his request by G. C. Williamson, Litt. D."; one of 20 copies on vellum.

Also, from Mr. Morgan, 15 catalogues and hand lists of his collections of printed books, including the Racine, Corneille, Fénelon, Le Sage and Regnard collections.

From the Earl of Crawford six volumes of the "Bibliotheca Lindesiana", as follows:

"A bibliography of royal proclamations of the Tudor and Stuart sovereigns and of others published under authority 1485-1714. With an historical essay on their origin and use, by Robert Steele. Oxford, 1910. 2 vols."

"Catalogue of the printed books preserved at Haigh Hall, Wigan, co. pal. Lancast. Aberdeen, 1910. 4 vols."

From the John Rylands Library, Manchester, England, a copy of "The English Bible in the John Rylands library 1525-1640."

From the John Lane Company, New York, 137 volumes of their latest English importations.

Purchases

No important collections of books have been purchased during the year; but, in addition to the individual purchases of importance mentioned in the reports of the several divisions, the following may be noted.

In the field of history and the auxiliary sciences: Costanso, Miguel. *Diario historico de los viages de mar y tierra hechos al norte de la California*. Mexico, 1770; Mission archéologique française du Caire. *Mémoires*. 36 vols.; Ortega y Pérez Gallardo, Ricardo. *Historia genealogica de las familias mas antiguas de Mexico*, 1908-10. 3 vols.; Plutarch. *Lives of the Noble Grecians and Romans compared together*, translated into English by Thomas North. First edition, 1579; Ragueneau, Paul. *Relation de ce qui s'est passé en la mission des pères de la Compagnie de Jesus*, 1648-1649. Paris, 1650.

Considerable accessions in the field of art and architecture include: The works in architecture of Robert and James Adam; Lionel Cust's Bridgewater gallery and The royal collections of paintings at Buckingham palace and Windsor castle . . . London, 1905-06; *Eaux-fortes et gravures des maîtres anciens, tirées des collections les plus célèbres et publiées avec le concours de Édouard Lièvre*; notes par Georges Duplessis . . . Paris, 1874-81; *Die Kaiserl. königl. gemälde-galerie in Wien*. Radirungen von William Unger, text von Carl von Lützow . . . Wien, 1886; *Handzeichnungen alter meister im Königlichen kupferstich-kabinet zu München*. Hrsg. von dr. W. Schmidt . . . München, 1884-1900. 9 vols.; *Nouveau theatre de la Grande Bretagne: ou,*

Description exacte des palais du roy et des maisons les plus considerables des seigneurs & des gentilshommes de la Grande Bretagne. Londres, 1715-28.

In line with the acquisition of the London News Letters mentioned in my last report is the purchase of files of "Mercurius publicus; comprising the sum of all affairs now in agitation in England, Scotland and Ireland", 1660-62 and of "The Publick intelligencer. Communicating the chief occurrences and proceedings within the dominions of England, Scotland, and Ireland: together with an account of affairs from several parts of Europe" no. 1-224; Oct. 1, 1655-Apr. 2, 1660. In a different category is a complete file of "Several proceedings in Parliament" September 25, 1649-September 27, 1655.

Continued efforts to complete our collections of American session laws have added nearly 200 volumes of early original issues of the laws of Illinois, Indiana, Maryland, Massachusetts, North Carolina, Rhode Island, and other States. Our sets of reports of cases decided in the supreme courts of the various States of the Union have been notably strengthened by the purchase of more than a thousand volumes.

Among the purchased files of serial publications are the Journal of morphology; Georgia State Gazette and Augusta Chronicle, 1786-1795; Jahresbericht über die fortschritte der chemie, 1898-1908; Journal der Moden, 1786-1817, 58 vols.; New Hampshire Gazette, 1760-1774; Organ für die fortschritte des eisenbahns. 14 vols.; "Thespian Mirror", edited by John Howard Payne.

Satisfactory progress has been made in the work of filling the gaps in our sets of scientific serials. Nearly 2,000 complete volumes, impossible to secure through exchange, have been purchased during the year.

As indicated in the tables, receipts from transfers have continued. The most important accession from this source

*Transfers and
exchanges*

was the State Department's collection of session laws of the various states of the union, 1804 volumes turned over to the Library of Congress in return for our duplicates of the latest revised statutes and codes of the States.

As indicated in my report for 1909 the issue of printed lists of offers has been suspended. Our exchange work during the past year has been carried on chiefly through special offers to and from other libraries and through selections made personally by visiting librarians. The gross receipts from exchange and transfer sources have been 26,529 volumes. The deductions through exchange and transfer and returns have been 22,933 volumes. (In addition 6,695 volumes of copyright deposits have been transferred to other libraries.)

The second copies of about 1,500 copyright periodicals, formerly returned by the Periodical Division to the Copyright Office, are now coming to our duplicate collections for exchange or other final disposition. To meet the steady inflow from this source, a uniform method of disposal is now in process of inauguration. The titles have all been listed on slips, which are being sent to the departmental libraries for selection, with a view to secure for all the duplicates of any given title the same destination. So much of the material, however, is of purely ephemeral value that we may be obliged to resort to sale in the case of many titles.

The transfer of copyright deposits from the files of the Copyright Office to the permanent collections of the Library of Congress and to other governmental libraries in the District of Columbia, authorized by the statute now in force, was begun in December. The volumes transferred during the remainder of the fiscal year numbered as follows:

Library of Congress.....	20, 572
Public Library of the District of Columbia.....	5, 700
Surgeon General's Library.....	189
Bureau of Standards.....	560
Interstate Commerce Commission.....	212
Treasury Department.....	4
Department of Agriculture.....	1
Bureau of Mines.....	15
Bureau of Education.....	12
Naval Observatory.....	2
	<hr/> 6, 695

Total number of volumes transferred..... 27, 267

In addition to the foregoing 1,566 pieces of music and 6,809 maps were transferred to the files of the Library of Congress.

DIVISION OF MANUSCRIPTS

(From the report of the Chief, Mr. Hunt)

Appendix III lists in detail the accessions of the year, ^{MSS:} ^{Accessions} including the British transcripts.

The year has been noteworthy in the number and importance of the accessions, and the most important have been gifts.

The John Sherman papers are probably the most voluminous collection in the Library's possession, with the exception, perhaps, of the Breckinridge papers. They were given to the Library by Mr. Hoyt Sherman, of this city, acting for the John Sherman estate. Mr. P. T. Sherman, of New York, Senator Sherman's nephew, has added to the papers his uncle's press-copy letter books. *Sherman papers*

The papers of Gen. George B. McClellan have been given ^{McClellan pa-} ^{pers} to the Library by his son, Hon. George B. McClellan. They are the whole body of papers left by Gen. McClellan, and are the most valuable military papers, relating to the Civil War, possessed by the Library.

Another collection of papers, of the Civil War period, is that of Edwin M. Stanton, Secretary of War from 1862 to 1868, the giver being his son, Mr. Lewis H. Stanton, of *Stanton papers*

New Orleans. It is a valuable accession, and is believed to be the forerunner of a more extensive donation of Secretary Stanton's papers, from the same generous source.

Welles papers

Edgar T. Welles, Esq., of New York, has deposited the papers of his father, Gideon Welles. Gideon Welles's public activity extended from the time of his entering the Connecticut Legislature, in 1827, until his death, in 1878. During that time he was a leader of the Democratic Party in Connecticut, comptroller of the State, postmaster at Hartford, chief of a bureau in the Navy Department, Republican candidate for governor of Connecticut, in 1856, and Secretary of the Navy, from 1861 to 1869, under Presidents Lincoln and Johnson. The recent publication of extracts from his diary¹ has been an event of historical importance, and his correspondence abounds in information of moment.

*Clark vouchers
and receipts*

Col. Micajah Henry Clark, of Clarksville, Tenn., turned over to the Library the vouchers and receipts for the distribution of the last currency remaining in the Treasury of the Confederate States, immediately before and after that government disbanded, in 1865. Col. Clark, having first served in the field, was attached to the office of Burton Harrison, private secretary to Jefferson Davis, from which he passed to the office of acting treasurer of the Confederacy. Methodical habits and punctilious scrupulousness in guarding public money caused him to secure warrants for all his disbursements, and receipts, even under extraordinary difficulties, for all the money he paid out. These papers he carefully preserved, until he made the Library their custodian, feeling that the time had come when the records of the history of the Confederacy should be gathered together and permanently preserved for historical uses.

Curry papers

The gift, from Mrs. J. K. Connally, of Asheville, N. C., of the papers of the late Dr. Jabez Lamar Monroe Curry, is

¹ Atlantic Monthly, Feb., 1910-Jan., 1911.

notable among the year's accessions. Dr. Curry was a Baptist minister, a member of the Federal and Confederate Congresses, this country's minister to Spain, an author and an educator. Not the least important of his varied activities was in behalf of southern education, as president of several denominational colleges, and, more particularly, as general agent of the Peabody and Slater funds. The chief interest of the papers, therefore, lies in their contribution to southern educational history. The collection, aggregating approximately 2,000 pieces of manuscript and printed matter, extends over the period from 1847 to 1903, inclusive, and comprises diaries, notes, correspondence, sermons, tracts, religious, political and educational articles and addresses. The correspondence is with members of the Peabody board of trustees, especially Robert C. Winthrop, of Massachusetts, and with southern educators and divines.

The remainder of the Pickett papers, or Confederate archives, was transferred from the Treasury Department to the Library, last September, a portion of the collection having been transferred in 1906. Upon examination of the papers, it was found that an important dispatch—that of Jacob Thompson, confidential agent of the Confederacy in Canada, to Judah P. Benjamin, dated December 3, 1864—was missing; and the Treasury Department reported that it had never been in the possession of that department. It was found in the Navy Department, where it had probably remained since the first reception of the papers by the Government, and was very courteously transferred by the Navy Department to the Library. This collection is the most important body of Confederate diplomatic archives in existence. It was purchased in 1872, with the idea of using it to protect the Government against unjust war claims. The agent who negotiated the sale was John T. Pickett, Esq., a lawyer in Washington, who acted for the holder of the papers, whose identity was concealed. As

Pickett papers

the facts connected with the transfer are of historical interest, Mr. Pickett's estate was applied to, in the hope that papers which he left would reveal some facts of importance. Our expectations were fully realized, the papers revealing the circumstances of the sale of the archives and how they came into Mr. Pickett's hands. Among Mr. Pickett's papers were several important documents of Judah P. Benjamin's and additional data concerning the great seal of the Confederacy.

*West Florida
papers*

The papers obtained from the Pickett estate included a package of West Florida papers, which had passed into Mr. Pickett's possession from some unknown source. They are Fulwar Skipwith's correspondence, in 1810, the constitution of West Florida, military correspondence of Kemper, and other civil and military papers concerning this rather obscure incident in the history of Spanish North America. Few of the papers have been printed; they are an important discovery.

*National Ar-
chives Building*

The Library has been obliged to decline some papers offered to it by other Government departments. It was asked to inspect the records of the American military occupation of Cuba from 1898 to 1902; but an offer to transfer these records to the Library it could not receive favorably. The future historical value of such records is undoubted, and they should be preserved; but the Library can not sacrifice its space to the storage of public papers which properly belong to other Government offices. Such papers should go to a national archives depository, and it is gratifying to see that a serious movement is on foot to erect a building for this purpose. The bill introduced in the House of Representatives, on June 19, by Mr. Sheppard (H. R. 11850, 62d Cong., 1st sess.) to take the preliminary steps in this direction, is heartily commended.

Jackson papers

In obtaining from Mrs. Andrew Jackson, of Knoxville, Tenn., the papers of Gen. Andrew Jackson, the Library has

acquired the last remaining group of papers left by Gen. Jackson. He gave a number of his papers to Amos Kendall, before his death, and these were destroyed by fire; another group his adopted son, Andrew Jackson, jr., gave to Gen. Francis P. Blair, and these were transferred to the Library, in 1903, by Francis P. Blair's descendants. All that Andrew Jackson, jr., retained passed, after his death, to his son, Andrew Jackson, from whose widow they have now come to the Library. The papers are voluminous, and shed light upon every phase of Gen. Jackson's career, from 1784, in North Carolina, up to his death, at the Hermitage, in 1845. The papers comprise drafts of several of his messages when President, military correspondence and returns during the War of 1812 and later, his orderly book in the Creek campaign, private letters to members of his family, important letters from Lewis, Kendall, Blair and Polk, a great mass of personal accounts, dating from the beginning to the end of his career, memoranda and agreements concerning his land transactions, personal quarrels, horse breeding, planting and household affairs, and a few letters to and from Mrs. Jackson. Added to the greater collection which came from the Blairs, they make the Jackson papers among the most complete in the Library's possession.

For the Colonial, Revolutionary and Constitutional periods should be noticed that part of the papers of William Samuel Johnson which have come to the Library, through the generosity of his descendants, Mrs. Susan E. Johnson Hudson, Stratford, Conn., Mrs. William Henry Carmalt, New Haven, and William Samuel Johnson, Mamaroneck, N. Y., and the agency of Prof. Max Farrand, of Yale. The papers run from 1765, with Johnson's drafts and notes of the first and second Connecticut addresses to the King, and his draft of the petition of the colonies to the House of Commons and of the resolutions of the Stamp Act Congress, notes for that Congress and the names of the delegates, and some of his notes

Johnson papers

in the Continental Congress and the Constitutional Convention.

Morgan papers

Miss Julia Morgan Harding has given the Library certain papers of Col. George Morgan, dating from February, 1775, to July, 1787. They include his instructions from the Continental Congress as agent for Indian affairs at Pittsburgh and his correspondence with the friendly Delawares; Patrick Henry's letter to him on Indian affairs, in 1777; and his correspondence with Aaron Burr, in 1786, on legal matters.

Jennison diary

Rev. Joseph F. Jennison, A. M., has given Lieut. William Jennison's diary of military and naval service from August 6, 1776, to August 2, 1780. He was quartermaster in Col. Read's Massachusetts Regiment; then lieutenant of marines on the *Warren*; then with Washington's army in 1776; then again in the marine service, where he remained till the end of the war, doing occasional privateering. His diary is a valuable military and naval Revolutionary record.

Care of MSS.

Several modifications in the methods employed for care and treatment of the manuscripts have been made during the year. They are the result of the comparison which Mr. Hunt was enabled to make when he visited the manuscript collections, last summer, in the Government libraries and archives depositories of England, France, Belgium, Holland, Germany, Austria, and Italy. There the preservation of manuscripts has long been studied as a profession, and the official documents date back for eleven centuries, while the historical manuscripts go back even to the second century. Their archivists have, therefore, had an opportunity to study phenomena which our brief history has denied us the opportunity to observe. There is unanimity of opinion among them, that manuscripts last longer, and resist the diseases which attack parchment and paper better, if free currents of fresh air pass among them. Stagnant atmosphere and, worst of all, dampness produce decay. Of the latter, there is no danger in the Manuscripts Division, and, during the

past year, complete ventilation has been secured by a mechanical alteration in the closed compartments.

There is full agreement among archivists that exposure to the light fades the ink in manuscripts. Accordingly, the size of the division's display in the exhibition hall has been diminished, and the more valuable documents have been placed where they are not subject to strong light.

Repair of MSS.

The system of repair of damaged manuscripts followed by the Library was adapted, some years ago, from the methods employed in the library of the Vatican at Rome. It has been developed, under the chief of the repair section of the Manuscripts Division, Mr. William Berwick, until the work done here has become more artistic than that done in any foreign Government library or archive depository. This elaboration carried with it delay in mounting collections for binding, which seemed to be dangerous to the preservation of the collections. The great desideratum is to get the collections mounted and bound. As long as the papers are loose, they are liable to disarrangement, and temporary or prolonged loss. In view of the steady flow to the Library of new collections, it was deemed necessary that there be a greater output from the repair section. It was decided, therefore, that, while the artistic method heretofore employed should be continued for a few of the most precious collections—such as the Washington papers, the greater part of which are now repaired and mounted—it should give way to a simpler and quicker method of treatment of the great body of the Library's manuscripts. Skilfully applying this plan, Mr. Berwick has, since last July, prepared for the binder 14 volumes of the Washington papers and 314 volumes of other manuscripts, making 328 volumes in all; and has repaired 33 printed volumes for other divisions of the Library. The output exceeds that of last year more than sevenfold.

The publications of the Division have fared better in the preparation than in the final issue from the press. The

copy for Volumes XIX, XX and XXI of the Journals of the Continental Congress, covering the year 1781, was ready for the printer, and part of it in his hands, when the condition of the Library's funds required suspension of the work. Mr. Fitzpatrick's Calendar of Washington Correspondence was halted on the verge of the index; and Miss West's Calendar of Van Buren Papers has just been issued (September).

DIVISION OF DOCUMENTS

(From the report of the Chief, Mr. Thompson)

During the fiscal year ending June 30, 1911, the accessions to the Library through the Division of Documents were as follows:

DOCUMENTS:
Accessions

How acquired	Volumes	Pamphlets	Total
Received by virtue of law.	1, 738	1, 329	3, 067
Gifts of the Government of the United States in all its branches.	817	614	1, 431
Gifts of State governments.	3, 628	4, 139	7, 767
Gifts of local governments.	2, 021	1, 235	3, 256
Gifts of foreign governments (inter- national exchange).	7, 543	3, 075	10, 618
Gifts of corporations and associa- tions.	225	189	414
By transfer.	1, 003	578	1, 581
Total to be recorded.	16, 975	11, 159	28, 134
By purchase, exchange, deposit and transfer (counted in the Order Division).	6, 087	3, 451	9, 538
By binding periodicals.	1, 316	.....	1, 316
Total handled.	24, 378	14, 610	38, 988

In addition to the above, 410 maps and charts, 4 atlases, and 36 portraits have been received by official donation.

The total number of volumes and pamphlets received during the fiscal year direct from official sources, domestic and foreign, shows a slight increase over the previous year.

The receipts by transfer of documents from the departmental libraries have, however, fallen off approximately 6,000, thereby reducing the total handled about 10 per cent.

Efforts to complete the sets of foreign documents have been continued in the same manner as in previous years and revised or supplementary want lists have been sent to the following countries: Chile, Cuba, France, Italy, Norway, Switzerland, Uruguay, and Victoria.

The principal shipments of documents received in response to want lists outstanding a year ago were as follows: Argentine Republic, 17 volumes; Austria, 760 volumes and pamphlets; Chile, 30; Colombia, 44; Egypt, 90; Germany, 674; Alsace-Lorraine, 360; Bavaria, 268; Württemberg, 401; India, 96; Agra and Oudh, 377; Central Provinces of India, 35; Japan, 204 volumes and pamphlets and 37 maps; Mexico, 209 volumes and pamphlets; New South Wales, 37; Norway, 280; Russia, 92 volumes and pamphlets and 21 maps; Siam, 65 volumes and pamphlets; Servia, 82; Spain, 62 volumes and pamphlets and 2 maps; Sweden, 98 volumes and pamphlets; Switzerland, 15 volumes and 1 map; Turkey, 236 volumes and pamphlets; Uruguay, 47 volumes and pamphlets and 2 maps. These are additional to the regular consignments from the 89 countries on the international exchange list.

United Provinces of Agra and Oudh has been added to the list of countries receiving a partial set of United States documents.

In three countries the depository of the sets of United States documents has been changed. The following corrections have, therefore, to be made in the list published in the report for the fiscal year ending June 30, 1907, pages 38 and 39:

INDIA. Department of Education (Books), Government of India, Calcutta.

JAPAN. Imperial Library of Japan, Tokyo.

NATAL. Colonial Secretary's Office, Pietermaritzburg.

*Exchange of
Daily Congressional Record*

Immediate exchanges of the Daily Congressional Record for proceedings of foreign parliaments, in accordance with the provisions of the joint resolution of March 4, 1909, have been established during the year with the British House of Commons, the Danish Rigsdag, and the National Congress of the Argentine Republic, increasing the number of such exchanges to 34.

State documents

The "Monthly list of State publications" which the Division of Documents began to issue January, 1910, an undertaking which was described in some detail in the last report, has been continued to date. The following table giving the statistics of documents received from the State governments for the last 10 years shows that the issue of this publication has been a most efficient method of procuring this class of material for our collections:

1901-2.....	2, 162	1906-7.....	3, 245
1902-3.....	1, 589	1907-8.....	4, 128
1903-4.....	1, 023	1908-9.....	3, 554
1904-5.....	2, 812	1909-10.....	6, 386
1905-6.....	3, 884	1910-11.....	7, 767

The increase is even more significant than these figures show, because prior to 1910, when the "Monthly list of State publications" began, a large part of the accessions in this field consisted of back volumes procured to complete the sets, whereas during the last 18 months the receipts were almost entirely confined to current issues. The Library is now receiving a very considerable number of special State publications whose existence under the previous arrangement would probably have been unknown to us for some time. In addition to the benefit to our own collections, we note an increased appreciation of the value of this publication to the libraries throughout the country that are interested in State documents. The number of subscribers has increased during the year to 155. In addition to this, 450 copies are distributed, in lieu of individual acknowledgments, to the State and Territorial libraries, and other State officers and institutions, furnishing material for inclusion in the list.

The principal development of the document collections thus far has been by country divisions, want lists having been compiled from the records of the division, national bibliographies, etc. The next stage should be a development by subject, using the shelf-list of the classified collections and subject bibliographies in order to ascertain what further documents are wanting. This is likely to furnish a considerable number of titles missed in the previous gathering, particularly those of special publications. The process has already been put into operation for American municipal documents with satisfactory results.

LAW LIBRARY

(From the report of the Law Librarian, Mr. Borchard)

The accessions during the year were as follows:

How acquired	1909-10		1910-11	
	Main library	Conference library	Main library	Conference library
By copyright.....	1, 476	.....	1, 282	.....
By gift and transfer.....	1, 452	62	1, 408	73
By purchase.....	2, 262	252	3, 755	312
Total.....	5, 190	314	6, 445	385
Total accessions.....	5, 504		6, 830	
Total contents of law library.....	138, 059		144, 889	

The more noteworthy accessions have been:

State reports, 1,100 vols.; State session laws, 500 vols.; Louisiana laws 1862 and 1863, Confederate session at Opelousas; a reprint of this extremely rare session was presented by Fred S. Weis, Esq., of New Orleans.

GERMANY: Anhalt. Gesetzsammlung, 1863-1906, 18 vols. and index; Anhalt-Bernburg. Gesetzsammlung, 1720-1863, 14 vols., Anhalt-Dessau. Gesetzsammlung, 1818-1863, 11 vols.; Brunswick. Gesetz und verordnungsblatt, 1814-1899, 86 vols.; Frankfurt am Main. Gesetz- und statuten-sammlung, 1816-1866, 22 vols. and index; Han-

Further development of the collections

LAW LIBRARY:
Accessions

nover. Sammlung der gesetze, verordnungen und ausschreiben, 1819-1866, 49 vols.; Hesse-Darmstadt. Regierungsblatt, 1819-1901, 82 vols.; Hesse-Kassel. Sammlung von gesetzen, verordnungen, etc., 1813-54, 1861-66, 23 vols.; Lippe-Detmold. Landes-verordnungen, 1571-1909, 26 vols.; Mecklenburg-Schwerin. Gesetzsammlung, 1843-1895, 16 vols.; Mecklenburg-Schwerin. Regierungsblatt, 1850-1909, 68 vols.; Mecklenburg-Strelitz. Officieller anzeiger für gesetz-gebung und staatsverwaltung, 1868-82, 1885, 1887, 17 vols.; Reuss, Alterer Linie. Gesetzsammlung, 1857, 1860, 1880, 1885-1909, 28 vols.; Reuss, Jüngerer Linie. Gesetzsammlung, 1883-1909, 26 vols.; Saxe-Meiningen. Sammlung der landesherrlichen verordnungen, 1829-1906, 24 vols.; Schaumburg-Lippe. Landesverordnungen, 1563-1907, 21 vols. and index; Schleswig-Holstein. Verordnungen und verfügungen, 1826-1848, 48 vols.

GREAT BRITAIN: Local, Private and personal acts, 1702-1882, 458 vols.

ITALY: Bianchi, F. S. Principii generali sulle leggi. Torino, Unione Tip., 1888-1900, 13 vols.; Cuzzi, E. Il codice italiano di procedura civile. 2. ed. Torino, Unione Tip., 1908-1910, 10 vols.; Fiore, P. Il diritto civile italiano . . . Napoli, Eugenio Marghieri, 1908-1911, 23 vols.; Giorgi, G. Teoria delle obbligazione nel diritto moderno italiano . . . 7. ed. Firenze, Fratelli Cammelli, 1907-1911, 9 vols.; Pacifici-Mazzoni, E. Codice civile italiano commentato . . . 6. ed. Firenze, Fratelli Cammelli, 1904-1906, 15 vols. and index; Pessina, E. Enciclopedia del diritto penale italiano. Roma, Società Editrice Libraria, 1905-1910, 13 vols.; Ricci, F. Corso teorico-pratico di diritto civile. Nuova ed. by G. Piola. Torino, Unione Tip., 1907, 12 vols.; Vidari, E. Corso di diritto commerciale. 5. ed. Milano, Ulrico Hoepli, 1900-1908, 9 vols.; Sardinia. Recueil des actes du gouvernement . . . 1833-1847, 15 vols.; Savoy. Recueil des édits, etc., 1814-1832, 16 vols.

NETHERLANDS: Leon's Rechtspraak. 3 editions. 's Gravenhage, Belinfante, 1850-1906, 69 vols. and supplements; Rechtsgeleerd Magazijn, 1882-1907, 26 vols.; Weekblad van het recht, 1839-1910, 72 vols.

SPAIN: Revista de los tribunales, 1878-1901, 35 vols.

SWITZERLAND: Fribourg. Bulletin des loix, décrets, arrêtés . . . 1803-1846, 18 vols.

Index to the Statutes at Large

The Index to the Statutes at Large, the continuation of the preparation of which was authorized by the appropriation act for the fiscal year 1911, was completed early in January and is now on sale by the Superintendent of Documents. This volume covers the general and permanent law in the Statutes at Large from 1789 to 1873 and is similar in classification, scope, and plan to Volume 1, published in 1908, which covered the general and permanent law in the Revised Statutes of 1873 and the Statutes at Large from 1873 to 1907.

During the last six months there has been prepared a *Subject Catalogue* of the English and American textbooks, the scheme of subject headings and cross references for which covers 148 printed pages. The want of a good subject catalogue is felt by law libraries throughout the country. Its plan and scope have elicited favorable comment from the librarians of several of the most important law libraries in the country, who have expressed the desire that it should be printed for general distribution. It is hoped ultimately to make it inclusive enough, and at the same time sufficiently flexible, for adaptation to any considerable collection of Anglo-American law.

Good progress has been made during the year toward the *Session laws* completion of our sets of session laws of the States. The new policy adopted calls for the acquirement of one set before 1800, two sets from 1800 to 1840, and three sets after that date. By exchange with the Department of Justice and the Department of State, the Library has received approximately 2,000 volumes, of which about 500 were needed as second and third copies for our collection. The balance of about 1,500 volumes is now available for exchange. By exchanging these duplicates, we should be able to secure a large part of the 940 session laws still needed to complete the second and third sets of our collection.

Large additions have been made during the year toward *State reports* completing the third set of State reports. About 1,100 volumes have been purchased leaving about 860 still to be acquired.

The Library has secured during the year a set, nearly *British local and private acts* complete, of the British local and private acts from 1702 to date. Very many of these acts are now out of print, so that complete sets are very difficult to obtain. Mr. Brown of the London firm of Stevens & Brown, from whom our set was purchased, informs us that many of the acts furnished us were the very last copies in the public stock, and that the

King's printer states that our set is probably the most nearly complete outside of London, surpassed, if at all, only by the collections in the libraries in the two Houses of Parliament and the British Museum.

Foreign law

The Law Division of the Library of Congress is making a systematic effort to bring its collection of foreign law to a state of high efficiency. The growing interest in comparative law manifested by legislators, lawyers and scholars has indicated the utility and stimulated the acquisition of a well-developed laboratory of comparative law, in which shall be represented the best legal literature of the important States of the world.

A well-defined policy has been pursued in securing the information necessary for the purchase of the most useful legal literature. In May 1910, Mr. Edwin M. Borchard, now Law Librarian, was appointed as expert in international law to the American Agency in the North Atlantic Coast Fisheries Arbitration at the Hague. Taking advantage of his presence in Europe, Mr. Borchard, at the conclusion of his mission at the Hague, visited the principal countries of western Europe, in order to secure, by personal interview, information from lawyers, judges, professors, and law librarians as to the important legal literature of their respective countries. Opportunity is now taken to express thanks to the following gentlemen for their valued cooperation in the undertaking:

Mr. Woltenbeek Müller, Justice S. Gratama of the Supreme Court of Holland, Mr. Limburg, and Mr. Trip, all of the Hague; Dr. G. de Leval, Dr. H. de Boelpaepe of Brussels; Dr. C. Neukirch and Dr. Kauffmann of Frankfurt; Dr. Edouard Clunet, Mr. F. Allain, Mr. C. F. Beach, and Prof. Paul Viollet of Paris; M. Paul Privat, and Profs. Martin and Reyfous of Geneva; Prof. E. Huber and Dr. Koenig of Berne; Prof. F. Meili, Dr. Schneeli, Dr. G. Wettstein and Dr. Letsch of Zurich; District Attorney Enea Nosedà, Dr.

E. Crespi, Dr. Luigi Ansbacher, and Dr. Ernesto Tamanti of Milan; Dr. Bizio Gradengo, Dr. G. Diena and Dr. Sacerdoti of Venice; Prof. A. Catellani of Padua; Prof. Karl von Amira, Prof. E. Ullmann, and Dr. K. Veit of Munich; Dr. A. de Griez, Dr. Josef Stammhammer, Dr. A. Fischer-Colbrie and Prof. Heinrich Lammasch of Vienna; Dr. S. Salzburg and Dr. Kaiser of Dresden; Prof. Ludwig Mitteis and Prof. Karl Schulz, law librarian of the German supreme court of Leipzig; Dr. Georg Maas, Dr. H. Klibanski, Dr. Ernst Delaquis, and Dr. Konrad Gutmann of Berlin; Profs. A. Torp and H. Jorgensen and Dr. W. Angelo of Copenhagen.

Since December, 1910, further information has been sought in a systematic campaign conducted by correspondence with leading jurists in the countries not personally visited. The correspondence has been carried on in French, German, and Spanish, which languages have been found sufficient for all practical purposes. Gratifying responses have already been received from the following gentlemen, to whom occasion is here taken to express our appreciation and thanks:

J. F. N. Beichmann, chief justice of Norway, Drontheim; Prof. Knud Berlin, University of Copenhagen; Dr. Francis Hagerup, Norwegian ambassador to Denmark; Dr. Antonio Mesquita de Figueiredo, Lisbon, Portugal; Dr. Ramon Sanchez de Ocaña of the ministry of justice, Madrid, Spain; Senator Don Francisco Lastres, Madrid, Spain; Prof. Torres Campos, Granada, Spain; Prof. H. Lamba, Cairo, Egypt; Dr. A. Tarica, attorney, Smyrna, Turkey; Prof. José A. de Freitas, University of Montevideo, Uruguay; Dr. Von Veh, Berlin, Germany (Russian law); Prof. Karl Adler, Czernowitz University, Austria; Prof. Josef Redlich, Vienna University, Austria; Prof. Ulisse Manara, Genoa University, Italy; Prof. Gino Dallari, Siena University, Italy; Baron Hector Rolland, Monaco; Prof. Petr. J. Kazansky, Odessa, Russia; Prof. Gerardo Berjano y Escobar, Oviedo, Spain.

Most of the countries of Latin-America, the Near East and Asia are still to be heard from.

The information thus secured is, after a process of comparison and selection, made the basis for the purchase of the most important legal works of the respective foreign countries. It has been considered advantageous, upon the arrival in the Library of a sufficient number of such works, to make public the resources of our foreign law collection. This undertaking is to consist of the preparation, by the Law Librarian, of guides to foreign law and critical surveys of the important literature. The first publication, a guide to the law and legal literature of Germany, is to appear in the fall. The surveys for Austria-Hungary, France, Italy, Spain and the other countries of Europe are to follow, it being proposed to publish two or three monographs a year. These guides are to serve as introductions to foreign law for the American lawyer and as aids to investigators in finding the law. The enterprise has met with the heartiest endorsement of the Comparative Law Bureau of the American Bar Association.

DIVISION OF MAPS AND CHARTS

(From the report of the Chief, Mr. Phillips)

MAPS AND
CHARTS:
Accessions

The following tables, A and B, respectively, show the number of accessions for the year and the total number of pieces in the Map Division.

TABLE A—*Accessions, July 1, 1910, to June 30, 1911*

Description	Copy-right	Pur-chase	Gift	Trans-fer	Ex-change	Total
Sheet maps, including pocket maps.	2, 300	365	2, 283	33	3	4, 984
Atlases.	81	97	21	3	2	204
Manuscripts.		6	1			7
Views.	104	20	11	64	9	208
Total.	2, 485	488	2, 316	100	14	5, 403

TABLE B—Total number of pieces in Map Division, June 30, 1911

Description	June 30, 1910	Accessions 1911	Total
Sheet maps, including pocket maps.....	112,763	4,984	117,747
Atlases.....	4,560	204	4,764
Manuscripts.....	365	7	372
Views.....	855	208	1,063
Total.....	118,543	5,403	123,946

The preceding tables do not include the total number of sheets in the Sanborn insurance collection, the British Ordnance Survey, and the Egyptian Survey, which number as follows:

Description	Accessions 1910-11	Total
Sanborn insurance maps.	1,084 maps in 18,085 sheets.	21,959 maps in 191,500 sheets.
Ordnance Survey.	1,030 sheets.....	16,521 sheets.
Egyptian Survey.	.....	22,660 sheets.

The Map Division has recently received from the Post Office Department the collection of its rural route maps. These maps are of special value for reference in connection with the various counties throughout the United States, of which there are no other maps.

In these maps not only the rural route is given, but also roads, rivers, creeks, schools, churches, and even the residences of people living along the lines of the routes, in fact everything in the nature of a landmark. They are on the uniform scale of an inch to a mile. Sun-print copies are produced in response to special calls, addressed to the Disbursing clerk, Post Office Department. These maps should not be confused with the post-route maps.

The second copies of copyright maps, views, and atlases are not included in this estimate. While these second

copies of current maps have recently been deposited, this division has not yet received those of back years from the Copyright Office. By arranging in packages according to the year of receipt and numerically by copyright numbers these copies have so far taken up little space and are easily consulted.

MAP DIVISION: The charge cards show that the United States Geological Survey, Census Office, Coast and Geodetic Survey, Department of Agriculture and War Department had the loan of nearly 400 pieces. The Census Office also called for plans of cities of the United States as far back as 1850, to be used for statistical purposes. Other departments of the Government, such as the legislative, state, judicial, etc., have frequently referred to this division for matters of importance.

Transfer of material Whenever material which naturally belongs to other departments of the Government has been found in our collections, it has been the practice to restore it to the proper department. Accordingly 1147 manuscript plans of Washington have been transferred to the Surveyor's office of the District.

Sunday and holiday openings The Sunday and holiday openings show a noticeable increase over the number of readers using the division during the week days.

Lowery collection The monograph on the Lowery collection, which is devoted to a description of the maps relating to the Spanish settlements in North America collected by Mr. Woodbury Lowery, is now in the hands of the printer. The work fills an important gap in describing the maps relating to the Spanish settlements within the present limits of the United States. Incidentally this includes a description of most of the early important maps relating to the world and America. The work will extend to about 700 or 800 pages. It describes 307 maps in the Lowery collection, 273 in the map collection of the Library of Congress, 189 in neither. A number of important maps described were not in the collection, but efforts were made to have photographic reproductions

from the originals in Paris and London; some have been received and described in the work, and others, we hope, will arrive before the work is completed.

There is now ready for the press a third volume to the "List of Geographical Atlases." ^{List of atlases} This will bring the total number of atlases in the division described to about 4,000. The supplement will be a volume of probably between 600 and 700 pages. In this new volume will be described the important Lafreri's atlas, 1566, the English edition of Ortelius, 1606, Visscher's *Atlas Contractus*, 1666?, containing an early view of New York, Spanish edition of Ortelius, 1602, a magnificent collection of maps by Johannes Covens and Cornelius Mortier, in 9 volumes, from 1683-1761, and the 1661 edition of Sir Robert Dudley's (duke of Northumberland) *Dell' arcana del mare*.

A volume now in preparation and considerably advanced, <sup>List of manu-
scripts</sup> is a description of the collection of manuscript maps relating to America. Every effort will be made to identify the purpose for which these maps were made, information relating to the author, historical notes and watermarks. A copious index will be added. In this description the revolutionary war maps of Faden, Rochambeau, Howe, Montresor and others will make an interesting showing.

DIVISION OF MUSIC

(From the report of the Chief, Mr. Sonneck)

Accessions of the Music Division for the fiscal year ending June 30, 1911

	Copy- right	Gift	Pur- chase	Exchange	Transfer	Other	Total
Music.....	23, 870	12	4, 553	.....	10, 018	1	38, 454
Literature of music.....	369	28	681	1	36	2	1, 117
Instruction...	804	5	170	.....	4	.....	983
Total..	25, 043	45	5, 404	1	10, 058	3	40, 554

Contents of the Music Division at the close of the fiscal year June 30, 1911

Music:

The division contained up to June 30, 1910, volumes and pieces	515,963
Accessions during the fiscal year numbered, volumes and pieces	38,454

Total on June 30, 1911. 554,417

Literature of music:

The division contained up to June 30, 1910, volumes, pamphlets, etc.	23,825
Accessions during the fiscal year numbered.	1,117

Total on June 30, 1911. 24,942

Instruction:

The division contained up to June 30, 1910, volumes and pieces	12,784
Accessions during the fiscal year numbered.	983

Total on June 30, 1911. 13,767

Grand total, volumes, pamphlets, etc. 593,126

Music:
Accessions

The accessions include 1,453 "Second copies" and 20,731 volumes and pieces marked "Reserve storage." The latter consists of minor copyright deposits not shelved by class in the main music collection but stored separately by copyright number for the use of readers. The "Second copies" (kept to facilitate home and inter-library loan circulation and for purposes of exchange, etc.) are arranged by composers. Of the "Reserve storage" material only 10,019 volumes and pieces were copyrighted during the fiscal year 1911, the remaining 9,259 were copyrighted during the fiscal year 1910 and were transferred from the Copyright Office archives to the Music Division. Similarly, of the 1,453 "Second copies," 732 were copyright deposits of the fiscal year 1910 now transferred to the Music Division.

It is the intention to continue this work of transfer of "Reserve storage" material and "Second copies" by working through the deposits still in the Copyright Office that were copyrighted prior to June 30, 1909.

Of the above 983 volumes, pamphlets and pieces accessioned and classified with MT (Musical Instruction) 750 are estimated as being music.

Not included in the above is the Albert Schatz manuscript collection which does not lend itself to the ordinary method of accessioning.

The transcribing of the scores of old operas unprocurable ^{MUSIC:} in the original or in print has continued, the number added ^{Transcripts} during the year being 112. The list of these includes, Agazzari's Eumelio; Agricola's Achille in Sciro; Alessandri's Alessandro, Il ritorno d'Ulisse a Penelope, Il vecchio geloso; André's Erwin und Elmire, Der Barbier von Bagdad, Die entführung aus dem Serail; Anfossi's Gl'artigiani; Bach's Temistocle, Alessandro nelle Indie; Badia's Napoli ritornata a Romani; Benda's Der Dorfjahrmarkt, Der Holzhauer; Bernabei's La Fiera, Trionfo d'Imeneo; Bernasconi's Adriano in Siria, Germanico; Cafaro's L'incendio di Troja; Cesti's Le disgrazie d'amore; Ciampi's Il Catone in Utica; Cimarosa's Il matrimonio per raggiro, L'impresario in angustie; Conti's Don Chisciotte in Sierra Morena; Danzi's La Cleopatra; Dittersdorf's Das rote Käppchen; Draghi's Enea in Italia; Farinelli's I riti di Efeso; Freschi's Olimpia vendicata; Galuppi's I bagni d'Abano, Imeneo e Venere, La diavolessa; Gassmann's L'amore artigiano; Gazzaniga's Gli Argonauti in Colco; Gluck's Ezio, Don Juan, Il Telemaco, La clemenza di Tito; Graun's Rodelinda, Silla; Graupner's Antiochus und Stratonica; Grossi's Il Nicomede; Guglielmi's La virtuosa in Mergellina; Gyrowetz's Die Prüfung; Hasse's Artaserse 1730, 1740, 1762; Hiller's Der Aerndtekrantz; Jomelli's Semiramide (Silvani); Keiser's Adonis, Ulysses, Circe; Latilla's Angelica ed Orlando; Leo's Demetrio, Il trionfo di Camilla; Martin y Solar's La vedova spiritosa; Mayr's Il segreto; Melani's Ercole in Tebe, Il Gisello; Misliweczek's Demofonte, Montezuma; Müller's Sonnenfest der Brahminen, Die Schwestern von Prag; Naumann's Amphion; Neefe's Die Zigeuner; Orlandini's Nero; Paer's Leonora; Perez' Demetrio; Persuis' Fanny Morna; Pescetti's Il vello d'oro; Piccinni's Li Napoletani in America; Polaroli's Gl'

inganni felici, *La forza della virtù*; Porpora's *Arianna e Teseo* (2d act); Portugal's *Lo spazzacamino*; Provenza's *Lo schiavo di sua moglie, La Stellidaura vendicata*; Quagliati's *La sfera armoniosa*; Reichardt's *Erwin und Elmire*, Ino; Righini's *Gerusalemme liberata*, *L'incontro inaspettato*; Rossi's *L'Orfeo*; Sacchini's *La contadina in corte*; Sales' *Achille in Sciro*; Salieri's *Les Horaces*; *La scuola de' gelosi, Der Rauchfangkehrer*, Axur; Sartorio's *Orfeo e Euridice*; Sarti's *Le gelosie villane*; Scarlatti's *Ciro riconosciuto, Mitridate Eupatore, La Griselda, L'Erclea*; Schenk's *Der Fassbinder*; Schulz' *La reine de Golconde*; Schuster's *Die falsche Prima donna*; Schweitzer's *Die Dorfgala, Alceste*; Steffani's *La lotta d' Hercole con Achelao, Marco Aurelio*; Stegmayer's *Rochus Pumpernickel*; Telemann's *Socrates*; Tozzi's *Zenobia*; Traetta's *Buovo d'Antona*; Vinci's *Astianatte, Siroe*; Weigl's *Der Bergsturz, Die Schweizerfamilie*; Ziani's *Alboina* (Act III).

The organic development of the collections has continued uninterruptedly as planned, emphasis having been laid on first editions of the classics, vocal scores of operas, chamber music and German song collections of the eighteenth century. Also a beginning was made of transcripts of rare Viola da gamba music. So far there have been received: Giov. Schenck's *Scherzi musicali*, op. 6 and his *L'Echo du Danube*, op. 9. Opportunities for the acquisition of important individual works outside of the usual course were taken advantage of, as the following survey of the more noteworthy purchases of this kind will illustrate: Abert's *Ekkehard*; Appoloni's *L'Ebreo* (MSS. score); de Barberis' *Intabolatura di lauto*, 1549; Barbettus' *Novae tabulae musicae testudinariae*, 1582; Cartoni's *La morte di Oloferne* (Autograph score); Cagnoni's *Don Bucefalo* (MSS. score); Caliope, 1739; Carré, sieur Delagrangé's *Livre de pièces de guitarre et de musique*, 16—; Catalani's *Loreley* (MSS. score); Champein's *Les trois hussards* (MSS.); Clio and Euterpe (1758-62); Cousin Jacques' *La petite Nanette*; The dancing

master, 1698; Falckenhagen's Erstes dutzend erbauungsvoller geistlicher gesänge (ca. 1755); Feuillet's Recueil de dances, 1704; Gibbons' The first set of madrigals, 1612 (complete); Gounod's Faust (1st ed. of the score); Gruner's Ein ratschlag wider die gottlosen tentz, 1525; Händel's Acis and Galatea, a mask, (London Walsh!); Holtheuser's Encomium musicae, 1551; Kargel's Lautenbuch viler newerlessner lautenstück, 1586; Lambranzi's Neue und curieuse theatra-lische tantz-schul, 1716 (both parts!); Marenzio's Primo libro de madrigali, 2d ed., 1596; Martini's Istoria (fol. ed.); Massenet's Esclarmonde (full score); Mazzocchi's Catena d'Adone, 1626; Francesco Milanese and Perino's Intabola-tura de lauto, 1547; Mondonville's Isbé; Morley's The first book of ballads 1595 (complete) and his A plain and easy introduction, 1597 (1st ed.); Mozart's Zwei deutsche arien, 2ter. teil [1790]; Parthenia or the Maydenhead of the first musicke (1611?); Ponchielli's I promessi sposi (MSS. score); Philidor's La belle esclave; Rossini's Tancredi (full score); Schmid's Tabulatur Buch, 1607; v. Seckendorff's Volks und andere lieder, 1779; Spohr's Zemire und Azor (MSS. score); Treiber's Sonderbare instruction, 1702; Verdi's Nabuco (full score); Wagner's Liebesverbot (MSS. libretto with autograph corrections).

By far the most important individual purchase was that of the manuscripts of Albert Schatz: an acquisition not only important but logical, since the Library in 1908 had acquired his famous libretto collection and subsequently from his extraordinary collection of theatrical literature, many items of interest. Mr. Albert Schatz (who died October 18, 1910, at the age of 72 years) had been interested for about 40 years in what in an undated draft of a letter he calls "Opern-geschichte Statistik" and in this field he was the recognized authority, ever willing, as many appreciative letters from musical scholars testify, to put his knowledge at the service of others. This knowledge looms up conspicuously in his correspondence with such eminent musical bibliogra- *Schatz collection*

phers and statisticians as Carlo Salvioli, Giuseppe Pavan, Manoel de Carvalhaes, Giovanni Carotti, Alfred Wotquenne, and Francesco Piovano.

Schatz collection

It is a correspondence remarkable less for the number of letters than for the volume of the individual missives, which sometime assume the proportions of monographs and give a clear idea of the painstaking methods of Mr. Schatz and of his scientific friends to get at the facts. Mr. Schatz, it seems, would check the contents immediately after receipt and then embody the results of his inquiries in his own works. This method the "Hofmusikalienhändler" of the quiet old university town of Rostock appears to have kept up until shortly before his death.

These manuscripts include: (1) A carefully prepared day by day Calendarium, running from 1573 to 1940. (2) Chronological lists dealing with the history of opera in more than 60 cities. These compilations are more or less extensive and minute. Some, like the admirable monograph on St. Petersburg, are ready for the printer. The cities treated are: Berlin, Braunschweig, Bremen, Breslau, Brüssel, Brünn, Cassel, Cittadella, Coburg-Gotha, Cöln-Aachen, Danzig, Darmstadt, Dresden, Frankfurt, Genua, Graz, Hamburg, Hannover, Karlsruhe-Durlach, Königsberg, Kopenhagen, Leipzig, Lissabon, London, Lucca, Lübeck, Mainz-Wiesbaden, Mailand, Mannheim, Mecklenburg (Güstrow, Schwerin, etc.), Meiningen, Modena, München, Naumburg-Zeitz-Weissenfels-Magdeburg, Neapel, Neustrelitz, Nürnberg, Oels, Paris, Pesth, Pressburg, Regensburg, Reggio, Rom, Rostock, Riga, Rotterdam and Amsterdam, Rudolstadt-Sondershausen, St. Petersburg, Sinigaglia, Stuttgart, Triest, Turin, Venedig, Weimar, Wien. (3) The manuscripts of a number of Mr. Schatz' minor contributions (mostly unpublished and some without title) to musical bibliography and chronology, as—

"Opéra italien au Grand Théâtre à Brussels de 1727 à 1730."

Chronological list of first performances of Wagner's operas.

Felice Romani's librettos and their musical settings.

The draft (letter A only) of an unfinished statistical monograph on Metastasio's operas and their settings.

"Mozart's Don Juan. Erstmalige Aufführungen in chronologischer Folge geordnet."

"Mozart's Così fan tutte . . . [of the same character]"

The manuscript of his extraordinary review of Freisauff's book on Mozart's Don Giovanni, published in the Vierteljahrsschrift für Musikwissenschaft, 1888.

"Chronologische Tabelle der zur Aufführung gelangten Opern, welche die Loreley Sage behandeln."

Chronological data on the "Théâtre français, Hamburg" (1794-1811).

"Zur Vorgeschichte des Stadttheaters in Rostock." (Apparently forms part of materials for a work entitled "Zur Geschichte der Schaubühne in Mecklenburg, of which Mr. Schatz held the introduction ready for publication.)

(4) "Chronologische Listen" or ("Verzeichnisse") of the operas of Adam, Balfe, Carafa, Cherubini, Genée, Gluck, Hofmann, Isouard, Conr. Kreutzer, Lindpaintner, Pacini, Philidor, Portugal (1909), Rinaldo di Capua, Rust, Salieri, Traetta, and Winter, the last unfinished and presumably Mr. Schatz' last work

These lists are not mere lists of titles but give besides the full title and designation of the work, the name of the librettist, and the place and date of first performance. Useful results of patient research as they are, they lack certain other information (e. g., the casts), which is to be found in the more extensive (5) "Chronologische Verzeichnisse, etc." (in the manner of those published by Wotquenne and Piovano) of the operas by Cimarosa, Farinelli, Galuppi, Glück, Graun, Guglielmi, Händel, Hasse, Jommelli, Mayr, Paër, Paisiello, Piccinni, Sacchini, Sarti, 15 monographs, sufficient to establish a permanent reputation for any scholar. But these combined would seem a bagatelle compared with the item which represented Mr. Schatz' real life work—what may be called a (6) *Dictionary of opera*. It is written on slips ("Zettel") to the estimated number of about 100,000 and is divided into two parts, one arranged by titles of operas, the other in strictly chronological order of performance of these operas. It is the latter part of the work,

practically a day by day history of opera in Europe from 1541 to 1900 on which Mr. Schatz appears to have laid special stress, as he copied calligraphically the original draft of the entries with name of composer and librettist, full title and designation of the opera, date of performance (not only the first performance but the replicas) and often data of a bibliographic nature. For reference purposes in a library, however, the other part may prove to be more valuable and that Mr. Schatz at one time thought of publishing this appears from printed sample galleys. That he, a man of moderate means, abstained from publishing the work is not surprising, since the part arranged by titles of operas alone would have filled more than 4,000 octavo pages! Curiously enough, though the manuscript collection contains several early attempts at an arrangement under composer, Mr. Schatz always desisted from carrying the compilation very far. Perhaps the "Chronologisches Verzeichnisse" mentioned above occupied him in his later years as the only feasible beginning of this part of his opera dictionary. It was to embody furthermore an index to librettists and an index to opera singers (with their parts!) These indices are far enough advanced to be of some use. In brief, not only a truly monumental work of compilatory industry and infinite patience, but of enviable powers of original research.

During the fiscal year the Music Division received for its main room a permanent equipment of steel stacks, partly inclosed with glass and wire for the shelving of rareties.

DIVISION OF PERIODICALS

(From the report of the Chief, Mr. Perley)

The comparative table following covering the past six years shows the accessions of serials from various sources:

How acquired	1906	1907	1908	1909	1910	1911	<i>Serials currently received</i>
Gifts and transfers.	4, 471	5, 016	5, 647	6, 051	6, 548	7, 072	
Copyright.	2, 026	2, 342	2, 594	2, 751	3, 137	3, 369	
Subscription.	1, 340	1, 405	1, 468	1, 541	1, 599	1, 641	
Smithsonian deposit.	2, 631	2, 883	3, 119	3, 254	3, 456	3, 665	
Total (titles, not volumes).	10, 468	11, 646	12, 828	13, 597	14, 740	15, 747	

New titles added: Copyright, 232; gift, 524; subscription, 42; Smithsonian deposit, 209; total 1,007. Periodicals checked (items), 132,839; Periodical Division office catalogue, volumes added, 5,189.

Five thousand nine hundred and fifty-one volumes of newspapers and 14,873 volumes of periodicals have been served to readers during this fiscal year.

The record of binding for the past year is as follows:

	Volumes
Periodicals.	4, 105
Newspapers.	3, 300

DIVISION OF PRINTS

(From the report of the Chief, Mr. A. J. Parsons)

The increase in the collection of prints has been: By copy-right, 8,738; by purchase, 4,311; by gift, 2,618; by transfer, 968; by exchange, 80; total, 16,715; bringing the collection in June 30, 1911 to a total of 339,014 items.

The gifts have included 22 etchings and engravings by PRINTS: Gifts James David Smillie (1833-1909), the noted American artist and engraver, presented by his sons, James C. and Ralph Smillie of New York City; and three etchings ("First snow fall," first, second and third states) by George E. Senseney, presented by himself.

The purchases have included a few etchings and engravings PRINTS: Purchases by English, French, Dutch and American artists (including Miss Helen Hyde and Miss Mathilde de Córdoba); 145 reproductions of colored engravings and etchings by celebrated

French artists of the 18th century; but numerically the greater portion consisted of photographs (4,012) of paintings, sculpture and architecture in France, Germany, Denmark, Norway, and Sweden.

The following exhibitions were put in place during the year:

(1) Incunabula. 201 volumes from the John Boyd Thacher Collection lent by Mrs. John Boyd Thacher of Albany, N. Y.

The exhibition comprises many volumes illustrating the history of printing. The books are arranged in order of the date of the establishments of the presses, by countries, cities and printers, beginning with Peter Schöffer, Mainz, Germany (1459) and ending with Abraham ben Samuel Dortas, Leiria, Portugal (1496), covering a period of 37 years.

Some of the most interesting works on exhibition are:

Durandus: *Rationale divinorum officiorum*, Mainz, Germany, 1459. 2 vols. Peter Schöffer with Johann Fust, printer.

Hieronymus: *Expositio S. Hieronymi in Symbolum apostolorum*. Oxford, 1468 (i. e., 1478).

Cicero: *Epistolæ ad familiares*. Venice, Italy, 1469; Johann of Speier.

Hermes Trismegistus: *De potestate Dei*. Treviso, Italy, 1471; Gerardus Lisa.

Hermes Trismegistus: *De potestate Dei*. Ferrara, Italy, 1472; Andreas Bellfortis.

Ptolomæus: *Geographia*. Vicenza, Italy, 1475; Hermann Lichtenstein, of Köln.

Sallustius: *Opera*. Valencia, Spain, 1475; Lambert Palmart.

Biblia belgica. Delft, Holland, 1477; J. J. van der Meer.

Ovidius: *Metamorphoses*. Pinerolo, Italy, 1480; Jacques Le Rouge.

Prophetæ priores. Soncino, Italy, 1485; Joshua Solomon, of Soncino.

Ptolomaeus: *Geographia*. Ulm, Germany, 1482; Leonhard Holle.

Le triump̃h des neuf preux. Abbeville, France, 1487; Pierre Gérard.

Der Sachsenspiegel. Stendal, Germany, 1488; Joachim Westphal.

Bernhard von Breydenbach: *Beuaerden tot dat heilige grafft*. Mainz, Germany, 1488; Erhard Reuwich.

La mer des histoires. Paris, France, 1488; 2 vols. Pierre Le Rouge.

Biblia (bohemica) integra. Kutteneberg, Austria, 1489; Martin, of Tischniowa.

Dante: *Convito*. Florence, Italy, 1490; Francesco Buonaccorsi.

Zacuthus: *Tabulae astronomicae*. Leiria, Portugal, 1496; Abraham ben Samuel Dortas.

Henricus de Aragonia: *Los doze trabajos de Hercules*. Burgos, Spain, 1499; Juan, of Burgos.

(2) Books (104) illustrated by famous Japanese artists of the seventeenth, eighteenth, nineteenth, and twentieth centuries. From the Crosby S. Noyes collection.

The exhibition comprises the works of Nishikawa Sukenobu, Boku-o, Suzuki Harunobu, Okumura Masanobu, Katsushika Hokusai, Kangetsu Hokyo, Tani Buncho, Utagawa Toyokuni, Shokosai, Keisai Yeisen and Hiroshige I.

(3) Seventy-nine selected books (first or notable editions or copies). Including King James version of the Bible (1611); Eliot's "Indian Bible" (1663); George Washington's Family Bible; works of Chaucer, Spenser, Beaumont and Fletcher, Shakespeare, Milton, Walton, etc.; early Americana; first publications of English classics in America; Benjamin Franklin publications; earliest governmental publications.

(4) Collection of 469 engraved portraits of noted men (third to the middle of the eighteenth century). Selected from the Gardiner Greene Hubbard and T. Harrison Garrett collections.

The portraits are arranged chronologically by subject. The greater number of the prints are of the French school

of the seventeenth century, showing the best representatives such as the Drevets, Nanteuil, Edelinck, and Masson who reproduced with such brilliancy the works of the celebrated portrait painters, Le Brun, Nattier, Largilliere, Rigaud, etc. Other well-known engravers are represented, such as Van de Passe, Hollar, Vorsterman, Morghen, Beham, Houbraken, etc., reproducing the works of Raphael, Van Dyck, Holbein, Dürer, Titian, Velasquez, etc.

The English school of painters and engravers are also well represented, such as Kneller, Reynolds, Hogarth, Frye, Smith, Watson, Faber, McArdell, Vertue, Faithorne, etc.

The Division has during the year supplied to educational institutions and art societies for local study and exhibit 13,381 photographs of paintings, sculpture and architecture, all of which have been returned in good order. The system of loan, in which the American Federation of Arts, whose office is at Washington, acts as intermediary, is proving successful and will doubtless be extended.

The number of books, prints, and stereoscopic views served to inquirers during the year exceeded 250,000.

BINDING

The number of books bound for the fiscal year 1910-11 was 31,580 as against 51,207 for the preceding year. By the Library bindery alone 29,529 pieces were bound; the output for the preceding year was 30,229.

The materials used upon the books bound were distributed as follows:

Leathers:	Number bound
Calf.....	3
One-half calf.....	5
Cowhide.....	155
One-half cowhide.....	9,267
Morocco.....	81
One-half morocco.....	5,671
Sheep.....	1
One-half sheep.....	4
Total.....	<u>15,187</u>

PRINTS:
Loans

PRINTS:
Reference use

Book cloths:	Number bound
Buckram.....	8, 018
Cloth.....	5, 533
One-half cloth.....	193
Duck.....	906
One-half duck.....	1, 596
Total.....	16, 246

In addition to the 31,433 books accounted for above, 147 were variously bound in ordinary material in the course of repair work.

CATALOGUING

(From the report of the Chief, Mr. Hastings)

During the year 69,091 volumes and pamphlets have been catalogued and 44,847 recatalogued, as against 78,821 volumes catalogued and 37,217 volumes recatalogued in 1909-10, and an average output per year during the past ten years of 70,996 volumes and pamphlets catalogued and 40,271 recatalogued.

The ground covered by the recataloguing for the year is substantially as follows: *Recataloguing*

Philosophy (B-BJ): Entire class finished, the bulk of the work having been done during this fiscal year.

Art (N): General works, Sculpture (NB), and individual and collective biography practically completed; Graphic arts, drawing, design (NC), and Painting (ND), in progress.

Language (P-PM): Practically completed.

Literature (PN-PZ): The following subclasses now in progress:

Literary history, literature, general collections (PN).

French literature (PQ).

English literature (PR).

German literature (PT).

Plant and animal industry (S): General plant culture, horticulture, landscape gardening (SB) in progress.

CATALOGUE DI-
VISION:
Service

That the decrease in the number of volumes and pamphlets catalogued as compared with last year was not fully offset by a corresponding increase in the number recatalogued is probably due mainly to two causes:

(1) The books recatalogued during the year have contained a smaller percentage than usual of "form classed" books and other books which are "easy cataloguing."

(2) The frequent changes in the personnel of the Division noted in the report for 1909-10 have continued, with the result that one-third of the force now consists of assistants who have been on the roll less than two years. Owing to the time required to learn the catalogue rules, the details of cataloguing according to the Library of Congress routine and the use of the many reference books available, the output of the assistants during the first two years of service is usually small.

The most severe loss to the Division during the year was that occasioned by the resignation of Mr. J. C. M. Hanson, as chief of the Division. For 13 years he had labored with all his strength of mind and body to accomplish the prodigious task of cataloguing in a scholarly manner with printed cards the vast collection already on the shelves of the Library and the steady and voluminous inflow of new accessions. At the time of his resignation about two-thirds of the work of recataloguing had been accomplished, and the public dictionary card catalogue of the Library of Congress had become one of the bibliographical monuments of the world. In addition, in connection with the work of the Catalogue Division of the Library of Congress, and as chairman of the Catalogue committee of the American Library Association, he pushed to completion a code of catalogue rules so complete and scientific that they seem likely to become the basis of an international code. While carrying on all of this work and while hundreds of problems connected with it were pressing for solution, he retained his unfailing courtesy and

fair-mindedness to all, no matter how trifling or how irritating might be their errand. "As chief of the Card Section," writes Mr. Hastings, "I was compelled to ask favors of him daily and almost hourly, and it is with pleasure that I take this opportunity of stating that the success of the card distribution work of the Library of Congress has been largely due to the generous cooperation, the fair-mindedness and courtesy of the present Associate Librarian of the University of Chicago."

Another loss which was keenly felt was caused by the resignation of Miss Mary M. Melcher, who had been for several years closely associated with Mr. Hanson in compiling the cataloguing rules referred to above, and had been for the past two years in charge of the compilation and printing of the list of subject headings. Combining in her work, as she did, sound scholarship, accuracy and efficiency, it will be difficult indeed to replace her.

It was arranged several months ago to have two additional *Printing* linotype machines equipped and assigned to the card work, at the Government Printing Office, with the result that the amount of copy held for printing and thus kept out of the catalogues in which the entries belong has been reduced to a couple of thousand titles.

Further experiments have been conducted in printing the headings for secondary entries at the top of the cards and hereafter all such headings will be printed regularly.

The supplement to the second official catalogue, which made it necessary for the cataloguers to search in two places instead of one, has been abolished and this catalogue is now kept strictly to date.

A beginning has been made in preparing and indexing sets of sample cards, so that new cataloguers and cataloguers in cooperating libraries can acquire the information needed for effective cataloguing more quickly than at present.

CATALOGUE DI-
VISION:
Subject headings

A draft of a revised rule aiming at a simpler method of collation has been prepared with the same end in view.

The work of compiling and printing the list of subject headings used in the dictionary catalogues of the Library of Congress has made satisfactory progress. The headings beginning with letters E-L have been printed, also two supplements to the main list, viz: "Additions and corrections" nos. 6 and 7.

My experience during the past eight months [reports Mr. Hastings] confirms the often expressed opinion of my predecessor that we shall continue to work at a disadvantage with a fluctuating force unless higher salaries can be paid. Higher salaries should be paid particularly to the revisers and cataloguers of the highest grade, not only because it is an economic loss to the Government to have assistants leaving constantly, but because it is in the highest sense unjust and unworthy of the Government to allow highly educated men and women absorbed in the work of reclassifying and recataloguing the Library and devoting the best years of their life to it, to work for less than the salary which is paid for equivalent talent in industrial and mercantile pursuits.

For the benefit of libraries using printed cards which desire to defer portions of their own recataloguing until the recataloguing of the corresponding sections at the Library of Congress is finished it is desirable to issue a tentative statement as to the order in which the remaining classes of books at the Library of Congress will be recatalogued. According to the present plan the order will be substantially as follows:

1911-12. Language and literature wholly or largely completed.

Art wholly or largely completed.

Treatises on English and American law partly covered.

Plant and animal industry continued.

1912-13. Above named classes completed.

Theology begun.

1913-14. Theology completed.

Other fragments completed, except special collections, documents, sets and series which have been passed by in the various classes.

During the year, in response to a query as to the number of cards in the catalogues and in the stock of printed cards at the Library of Congress, an investigation on this point was made. Although the figures were mainly obtained by the summary method of multiplying the number of trays by the number of cards in the average tray as ascertained by measurement, the results are sufficiently accurate for theoretical purposes and seem of sufficient interest to be incorporated in this report. The number of different catalogues, shelf lists, stack list and bibliographies in card form exceeds 100. The total number of cards in the various catalogues is approximately 15,000,000. The stock of printed cards now contains over 30,000,000 cards.

A review of this vast and varied array of card catalogues and materials for card catalogues naturally gives rise to queries like the following:

(1) Whether the card catalogues are being used in libraries for purposes which would be better fulfilled by a book catalogue or loose-leaf catalogue.

(2) Whether the present form of the Library of Congress printed card is the best possible, if economy in preparation and completeness of information are both taken into consideration.

(3) Whether the dictionary catalogue is the best form of catalogue for a large library.

(4) Whether the general makeup of the prevailing type of dictionary catalogue is essentially correct.

(5) Whether the details in the arrangement, guiding, coloring of cards, etc., have been satisfactorily worked out.

From visits to libraries and from communications received from cataloguers I know that large libraries which are now recataloguing are concerned as to the above doubtful points and are experimenting to some extent with a view to improvement and economy in the compilation and maintenance of card catalogues. It seems to me very desirable therefore that there should be some office or organization charged with the duty of collecting, digesting and making available information and the results of experience and experiments looking to economy and efficiency in card catalogues. It seems to me that the work of such a committee should logically precede or be combined with that of the committee recently appointed by the American Library Association "to promote and cooperate in the development of printed catalogue cards in relation with international arrangements".

CLASSIFICATION

(From the report of the Chief Classifier, Mr. Martel)

The number of volumes classified was 115,626 (1909-10, 151,727; 1908-9, 150,410); reclassified, 44,388 (including 5,886 transfers; 1909-10, 69,834; transfers, 3,256); new accessions, 71,238 (1909-10, 81,893); shelf-listed, 97,333 of which 58,831 were new accessions (1909-10, shelf-listed, 132,569; new accessions, 65,991).

The reclassified portion of the Library now contains in round numbers 1,076,000¹ volumes distributed as follows: Class A (Polygraphy), 69,000; B-BJ (Philosophy), 11,000; C-D (History), 102,500; E-F (America), 80,000; G (Geography), 18,000; H-J (Social and political sciences), 258,000; L (Education), 47,000; ML-MT (Music literature), 18,000;¹ N (Fine art), 25,000; P (Language and literature), 44,000; PZ (Fiction in English), 42,000; Q (Science), 121,000; R (Medicine), 40,000; S (Agriculture), 39,000; T (Technology),

¹ Not including Schatz collection of librettos, 12,065, shelf-listed in Music Division, 1908-9.

71,000; U (Military science), 15,000; V (Naval science), 13,000; Z (Bibliography), 62,000; Incunabula, etc.,¹ 500.

The principal subjects covered by the reclassification were *Arrears* (1) Language, completed with the exception of the African languages, the greater part of the Weber collection (Indic languages) and of the Hattala collection (Slavic languages and literature); (2) Literary history: General, English, French, and German; (3) Literature: General collections, English, and French; (4) American political history, the Slavery question, and Negroes in the United States; (5) Manners and customs including costume; (6) Miscellaneous subjects distributed among the other classes. There remain to be reclassified: Classical literature (Greek and Roman); Modern literature (except English and French); Biography, general, and special in part; Epigraphy; Folklore; Religions and Theology; and Law.

The following schedules have been printed to date: *Classification schedules* Class A, Polygraphy; B, part 1, Philosophy; E-F, America; G, Geography; H, Social sciences; J, Political science; L, Education; M, Music; N, Fine arts; Q, Science; R, Medicine; S, Agriculture; T, Technology; U, Military science; V, Naval science; Z, Bibliography. They are available for distribution² with the exception of E-F, M, and Q, the stock of which is exhausted. In the schedules of class E-F, of which the first preliminary draft was printed in 1901, various details have been modified and developed, notable among them a re-arrangement of the military history of the Civil war, worked out by Mr. Flagg on the basis of the Official records of the Union and Confederate armies, a considerable portion of which had not been issued when the original scheme was in preparation. Other parts of the scheme have been largely expanded to cover American political

¹ The congressional reference library formerly reported here as a special collection is now distributed and the count covered by the other classes.

² They may be obtained from the Superintendent of Documents on the same terms as other documents.

CLASSIFICATION:
Progress

history,¹ the Slavery question, Negroes in the United States, and certain classes of local literature and biography transferred to American history from "Chapters" of the old classification reclassified in later times. It is expected that the printing of the revised schedule may be begun before the end of September. Class D will go to the printer during that month also and may be expected to pass through final page proof in October. The reclassification and shelf listing of the remaining sections of Language and Literature will be nearly completed toward the end of the year, it is hoped, so that the printing of the schedules may be commenced in January, 1912. In connection with the classification of class P the scope of subclass CN, Epigraphy, will have been determined permitting the printing of C with the exception of CT (Biography) which may be printed separately later, after the reclassification of Religions and Theology (class B, part 2) has made some progress. The preparation of this classification will be taken up as soon as class D is in page proof, and by January, 1912 it is expected the preliminary draft will be ready for provisional application to the collections. What stage the reclassification and shelf listing of the books and the revision of the scheme will have reached by the end of May or June cannot be estimated at this date with any degree of accuracy. It will depend on the degree of relative advancement of that work, however, whether a beginning can be made with the classification of Law before the end of June.

The heavy falling off in the number of volumes classified during the past year is attributable to a number of causes most of which are still operative, among them the character of the material handled. Compared with former years, especially the two years next preceding, when the classes treated included certain sections consisting largely of groups

¹ Foreign relations included (but not the History, organization and administration of the State Department, and the Diplomatic and Consular service, which form sections of class JX, Political science).

of general collections, such as the subclass J, Serial documents, the quantity of such material handled during the past year has been below the average. The subjects and remainders of classes dealt with comprised proportionately few collections classified as such, monographs and other special works forming the bulk of the mass, representing volume for volume a much greater expenditure of work and time.

It has been the endeavor from the beginning to incorporate in the classification scheme the results of the experience gained both in the first application of the schedules in reclassification and in later continued use in classifying new books. A certain ideal was kept in view but it was a practical one. The ambition was to make the best of an unrivaled opportunity and to produce a classification in which the theory and history of the subjects as represented in a great collection of books should constitute the principal basis for the construction of the scheme, compared and combined of course with their presentation as derived from other classifications and treatises. It was recognized beforehand and confirmed over and over again in the course of the undertaking that no amount of preliminary study, consultation and taking pains in the preparation of the provisional draft could produce other than a largely theoretical scheme, more or less inadequate and unsatisfactory until modified in application. A clearer and wider view of many a problem provisionally disposed of would often present itself as class after class was conscientiously worked over, discovering new aspects and relations of certain subjects or the same relations in a different light and making it desirable and sometimes necessary to revise an earlier decision and adopt a better solution. It may be admitted that with all the effort spent in improving the schemes in the light of further experience an approach to the ideal in mind has been realized if at all only in a slight and imperfect degree. On the other hand that degree might have been

CLASSIFICATION:
Progress

advanced materially if printing could have been postponed until all the schedules were completed. Many omissions, imperfections and inconsistencies might have been eliminated if there had been more time. The responsibility for some of these may be laid in part at least upon the hindrances incidental to the conditions under which the work had to be carried on in order that the other services of the Library might not be unduly interfered with. Whether the principle adopted and the manner and extent of its application were in the line of progress remains perhaps for the future to demonstrate. That the attempt has succeeded at least in some measure is indicated, I think, by several communications which have reached us from the outside with regard to the classification, in which that element is commended and recognized as more or less distinctive of the Library of Congress system.

As to elaboration of the schemes as such it has not been sought, but whatever seemed to require specification has been given. Many of the special subjects in each class have close interrelations with allied subjects in other classes. Different phases of the same subject may be of primary interest in different classes, and the formula "one subject one class" does or should not apply in such cases. Some movement may result in developing a new aspect which is common to several subjects but belongs itself to a different class from the subjects treated separately. Combinations of subjects exist and are continually formed in new variety, that are related equally to several classes. There is for example the literature of "Town and city planning" belonging to Engineering, Architecture, Economics, Sociology, Political science and History. These classes are represented by scientific treatises, as a rule typical and well defined in scope. But there are numbers of popular works of mixed character tending to obliterate the distinction between the groups classified in different places. After a

time the general (mixed) literature of such subjects may take a more or less decided turn toward one or another of the special classes which may then be fixed upon as the general or main place, and it may become advisable to abandon some of the special classifications turning them into references, and preferring but one place for the books on the shelf. The working out of these problems takes time and perseverance and must be attended to by a person having a comprehensive grasp of the whole system and intimate knowledge of the details, and it can be delegated to others only in part. In a library where 150,000 books are classified in a year including from 60,000 to 100,000 new accessions the docket is crowded with cases of that kind all the time. If they are not disposed of and decided with the greatest circumspection and care, confusion and misclassification will be the result and will spread so that it will be difficult to straighten out the situation. Such entanglements might not become apparent at once, at least not in the schedules, but they would eventually grow beyond control and assume proportions bordering on chaos. There is no noticeable decrease of the number of such questions awaiting decision, a steady stream of new ones arises from day to day. Each new subject taken up brings its fresh grist of problems, with a sprinkling of cases affecting the printed schedules. In this one respect it may be noted with some satisfaction, however, that the range of subjects involved is becoming gradually more limited and falls mostly within the scope of the few unreclassified sections.

I have dwelt upon this feature at some length and gone into detail because it is accountable in a large measure for the circumstance that more rapid progress has not been made on the remaining schedules. In order to be able to devote more time to this work without delaying current books or embarrassing the Reading Room by too great an increase in the collection of remainders, I propose to make liberal

use of "temporary classifications," assigning to any cases which I do not find time to decide tentative classifications by class letter only, to be taken up for final classification later. I feel confident that this expedient will result in marked advancement in the matter of the schedules. This would no doubt be welcome to some of the other libraries now using the classification or inclined to adopt it.

CARD SECTION

(From the report of the Chief, Mr. Hastings)

During the year the number of subscribers has increased from 1366 to 1572.

Sale of cards

The cash sale of cards, including subscriptions to the proof sheets, amounted to \$33,811.71, an increase of more than 18 per cent over the sales for 1909-10.

The sale of cards to the libraries of the departments of the United States Government, paid for by transfer of credits, amounted to \$1169.04.

The total of the deposits received in payment for catalogue cards was \$33,603.18. The refunds made during the year amounted to \$32.15.

Cards for about 52,000 different titles were added to the stock during the year, including about 6500 cards printed for libraries in the District of Columbia and about 3,300 printed for other cooperating libraries. The whole number of different titles now represented in the stock is approximately 492,000 including about 30,000 "unrevised" cards not represented in the depository sets.

The libraries of Harvard University, California University and Northwestern University have been added to the list of depositories for a complete set of the L. C. cards, and most of the cards for these sets have been shipped. The cards for the depository sets assigned during 1909-10 have also been shipped.

Depositories

A proof sheet depository set has been assigned to the University of Kyoto.

The list of depositories as given below includes 51 libraries.
The proof sheet depositories are distinguished by asterisks.

- American Antiquarian Society, Worcester, Mass.
- Bowdoin College Library, Brunswick, Me.
- Brooklyn Public Library, Brooklyn, N. Y.
- Brown University Library, Providence, R. I.
- Buffalo Public Library, Buffalo, N. Y.
- California University Library, Berkeley, Cal.
- Chicago University Library, Chicago, Ill.
- Cincinnati Public Library, Cincinnati, Ohio.
- Cleveland Public Library, Cleveland, Ohio.
- Columbia University Library, New York City.
- Connecticut State Library, Hartford, Conn.
- *Cornell University Library, Ithaca, N. Y.
- *Dartmouth College Library, Hanover, N. H.
- Denver Public Library, Denver, Colo.
- Harvard University Library, Cambridge, Mass.
- Illinois State University Library, Champaign, Ill.
- Indiana State Library, Indianapolis, Ind.
- Institut International de Bibliographie, Brussels, Belgium.
- Iowa State University Library, Iowa City, Iowa.
- John Crerar Library, Chicago, Ill.
- Johns Hopkins University Library, Baltimore, Md.
- Kansas State Historical Society Library, Topeka, Kans.
- *Kyoto University Library, Kyoto, Japan.
- *Leland Stanford Junior University Library, Stanford University, Cal.
- *Los Angeles Public Library, Los Angeles, Cal.
- Louisville Public Library, Louisville, Ky.
- McGill University Library, Montreal, Canada.
- Massachusetts State Library, Boston, Mass.
- Michigan University Library, Ann Arbor, Mich.
- Minnesota University Library, Minneapolis, Minn.
- *Missouri University Library, Columbia, Mo.
- Nebraska University Library, Lincoln, Nebr.
- New Orleans Public Library, New Orleans, La.
- New South Wales Public Library, Sydney, New South Wales.
- New York Public Library, New York City.
- New York State Library, Albany, N. Y.
- Northwestern University Library, Evanston, Ill.
- Pennsylvania University Library, Philadelphia, Pa.
- Philadelphia Free Library, Philadelphia, Pa.
- Pittsburgh Carnegie Library, Pittsburgh, Pa.
- Princeton University Library, Princeton, N. J.
- St. Louis Public Library, St. Louis, Mo.
- *St. Paul Public Library, St. Paul, Minn.
- Seattle Public Library, Seattle, Wash.
- Syracuse University Library, Syracuse, N. Y.

Texas University Library, Austin, Tex.
 Virginia State Library, Richmond, Va.
 Washington Public Library, Washington, D. C.
 *Wesleyan University Library, Middletown, Conn.
 Wisconsin State Historical Society, Madison, Wis.
 Yale University Library, New Haven, Conn.

*Partial deposi-
 tories*

Partial depository sets have been assigned during the year to seven libraries in the departments of the United States Government, viz:

COMMERCE COURT:

Cards relating to interstate commerce.

BIOLOGICAL SURVEY (DEPARTMENT OF AGRICULTURE):

Cards relating to natural history, zoology, economic ornithology and mammalogy, game and game laws.

BUREAU OF MINES (DEPARTMENT OF THE INTERIOR):

Two dictionary catalogue sets (one for the Pittsburgh Division of the bureau) of cards relating to geology, mines, and mineral industries, manufacture of metals.

BUREAU OF ROLLS AND LIBRARY (DEPARTMENT OF STATE):

Dictionary catalogue set of cards on international law and relations.

NAVAL MEDICAL SCHOOL (NAVY DEPARTMENT):

Cards for works on chemistry, anatomy and physiology, bacteriology, medicine, military, and naval hygiene.

TARIFF BOARD:

Cards for statistics, economic history and theory, commerce, tariff, cost and method of production and distribution of commodities affected by the tariff.

TREASURY DEPARTMENT:

Cards relating to public and private finance, numismatics, and tariff policy.

Previous to this year the scale of charges for cards which was established in 1901 had remained unchanged. In December the scale of prices was changed in certain respects with a view to increasing the receipts as well as to make the charges for the various classes of orders more equitable, viz:

From \$0.005 to \$0.007 for all cards after the first in all classes of orders.

From \$0.01 to \$0.012 for the "first cards" in the special sets and series noted in Handbook, page 40, and in bulletins 5, 9, 13-15, 20-21.

From \$0.005 to \$0.008 per title for searching author and title orders to obtain the card numbers.

I estimate that the change in the price has increased the average selling price of the cards about 15 per cent. That the subscribers to the cards regarded the increase as equitable is shown by the fact that, so far as known, none of them have discontinued the purchase of cards on account of the change and only two letters protesting against the change were received.

CARD SECTION:
Cooperating li-
braries

Owing to the steady growth of the work, the number of depository sets assigned, and the fact that the assistant in charge of the Card Section was also put in charge of the Catalogue Division in November, it has been impracticable to undertake any new work or to issue any new publications. Revised editions of Bulletins 5, 9, 10, 13, 14, 15, 20 and 21 have been issued.

The work of printing cards for cooperating libraries in the District of Columbia has progressed satisfactorily as usual, and the work of printing cards from copy requested of libraries outside the District of Columbia has been considerably extended. The 3,300 cards added to the stock from this source are, in the main, cards for which there is a large demand from purchasers of the cards, and the books which they represent are not within the present scope of the collection of the Library of Congress.

The copy received from these cooperating libraries has been, as a rule, satisfactory, and the work of revising it into agreement with L. C. forms has continued to be less than was at first anticipated. With but few exceptions the assistants who prepare the copy sent to the Library of Congress have shown a keen and sustained interest in getting the copy in the L. C. form so that no revision would be required. One substantial benefit accruing to the Library of Congress from this cooperative work is that it affords an opportunity to test the sanity and adequacy of our cataloguing rules. When assistants in the majority of these cooperating libraries misconstrue the

CARD SECTION:
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braries

provisions of a rule repeatedly, it is good evidence that our own cataloguers, especially those who have been recently added to the force, will misconstrue the rule and that the rule needs revision. Experience with the work to date indicates that when the L. C. rules are made as simple and precise as they should be, there is no reason why any library which has a cataloguer qualified to do exact cataloguing should not cooperate in building up at the Library of Congress a stock of printed cards which shall cover substantially all the books of importance in American libraries.

The list of libraries which have thus far contributed copy is given below. The number of titles contributed varies from one to several hundred, invitations to contribute copy being sent to any library of medium or large size likely to have a trained cataloguer, which happens to have ordered cards for a book for which it was desirable to obtain cards in this way. In the case of the larger libraries in the list, particularly the university libraries, copy has been received quite regularly and in considerable quantity. Some of the universities supply copy for all of their current publications and one has furnished copy for all of its doctor's dissertations which have been published.

A. L. A. Booklist Office.
Brockton Public Library.
Brown University Library.
Bureau of Railway Economics.
California State Library.
California University Library.
Chicago Public Library.
Chicago University Library.
Cincinnati Public Library.
Columbia University Library.
Enoch Pratt Free Library.
Evanston Public Library.
Grand Rapids Public Library.
Harvard University Library.
Haverhill Public Library.
Illinois University Library.
Johns Hopkins University Library.
Leland Stanford Jr. University Library.
Los Angeles Public Library.

Lynn, Mass., Public Library.
Massachusetts Agricultural College Library.
Michigan University Library.
Minneapolis Public Library.
Minnesota University Library.
New Haven Public Library.
Newberry Library.
Pennsylvania Free Library Commission.
Pittsburgh Carnegie Library.
St. Paul Public Library.
Scranton Public Library.
Springfield, Mass., City Library.
Syracuse University Library.
Toledo Public Library.
Union Theological Seminary Library.
Vassar College Library.
Wesleyan University Library.
Wisconsin Library Commission.

This year brought further evidence of the fact that in supplying to libraries the list of subject headings and the classification schedules used at the Library of Congress, as well as the printed cards, we have incurred an obligation to see that the list and schedules agree with the printed cards. Numerous requests for explanations as to disagreements have come in during the year, and although these requests have seldom amounted to complaints, they merit and have received careful attention. Each card which is reprinted is now carefully compared with the entry in the official catalogue and the latest changes as to entry, subject headings and class marks are incorporated. As stated in the report for the Catalogue Division lists of "Additions and corrections" to the "List of subject headings" (now printed as far as L) are published at intervals. Corresponding lists of the changes made in classification schedules should be published when the classification schedules are completed, if not before.

PUBLICATIONS

On April 7, 1911 the Publication Section was transferred from the Division of Bibliography to the Order Division with which it was formerly connected.

PUBLICATION
SECTION

The following table exhibits the comparative statistics of the distribution of publications for the past three fiscal years:

	1908-9	1909-10	1910-11
New publications.....	17	25	¹ 43
Reprints.....	3	13	3
Sent out by the Mail Division.....	11, 602	25, 939	11, 344
Sent out by the Superintendent of Documents.....	20, 061	25, 067	21, 058
Sent out by the Bureau of International Exchange.....	3, 631	7, 897	5, 060
Publications distributed.....	35, 294	58, 903	37, 462
Publication letters.....	1, 827	2, 661	2, 284
Envelopes for circulars.....	2, 284	4, 885	5, 957
Sold by the Superintendent of Documents.....	2, 936	4, 757	4, 058
Received by the Superintendent of Documents for sales.....	\$2, 898. 30	\$2, 459. 03	\$2, 286. 39

¹ Includes Subject headings, A-K; Subject headings, Additions and corrections, 6 and 7; State publications, 10 numbers.

The apparent falling off since last year in the number of publications distributed is easily accounted for by the following facts:

First. Of the 43 new publications prepared, 5 are still "in press" and the distribution has not yet been made. Twenty-three ¹ of the remainder have had practically no free distribution whatever and have not been handled in the Publication Section.

Second. Last year we reduced our old stock of annual reports and reference lists by sending the superfluous copies to smaller libraries not on our regular mailing list. This of course greatly increased the distribution made last year through the Mail Division.

¹ Subject headings (letters A-K); Subject headings, Additions and corrections, 6 and 7; Monthly list of State publications, 10 numbers.

The publications of the Library during the past year have been as follows: *Publications*

Report of the Librarian of Congress for the fiscal year ending June 30, 1910. 1910. 305 p. Plates. 25 cm. Cloth, 40 cents.

Library of Congress publications issued since 1897. Jan., 1911. 45 p. 20 cm.

Rules and practice governing the use and issue of books. 1911. 16 p.

Compiled by the Division of Bibliography:

Select list of references on boycotts and injunctions in labor disputes; comp. under the direction of H. H. B. Meyer, Chief Bibliographer. 1911. 69 p. 25½ cm. Paper, 10 cents.

Additional references relating to the taxation of incomes; compiled under the direction of H. H. B. Meyer, Chief Bibliographer. 1911. 87-144 p. 25½ cm. Paper, 20 cents.

List of references on reciprocity, 1st ed., A. P. C. Griffin; 2d ed., with additions, H. H. B. Meyer. 1910. 137 p. 27 cm. Paper, 15 cents.

Additional references relating to reciprocity with Canada; comp. under the direction of H. H. B. Meyer, Chief Bibliographer. 1911. 44 p. 25½ cm. Paper, 5 cents.

Additional references relating to popular election of Senators; comp. under the direction of H. H. B. Meyer, Chief Bibliographer. 1911. p. 43-55. 25½ cm. Paper, 5 cents.

Additional references relating to mercantile marine subsidies; comp. under the direction of H. H. B. Meyer, Chief Bibliographer. 1911. p. 142-163. 25½ cm. Paper, 10 cents.

Select list of references on wool with special reference to the tariff; comp. under the direction of H. H. B. Meyer, Chief Bibliographer. 1911. 163 p. 25½ cm. Paper, 20 cents.

Publications

The following lists have been reprinted:

Select list of works relating to the taxation of inheritances and incomes. 1907. 86 p. 25½ cm. Paper, 20 cents.

List of books on mercantile marine subsidies. 3d ed. with additions. 1906. 140 p. 26½ cm. Paper, 20 cents.

List of references on the popular election of Senators. 1904. 39 p. 25½ cm. Paper, 10 cents.

Compiled by the Catalogue Division:

Class A. General works. Polygraphy. 1911. 63 p. 26 cm. Paper, 10 cents.

Class G. Geography, anthropology, sports and games. 1910. 128 p. 26 cm. Paper, 20 cents.

Class H. H-HJ, Social sciences (General works)—Statistics—Economics. HM-HV, Sociology. 1910. 551 p. 26 cm. Paper, 65 cents.

Class L. Education. 1911. 161 p. 26 cm. Paper, 25 cents.

Class S. Agriculture—Plant and animal industry. 1911. 87 p. 26 cm. Paper, 15 cents.

Class T. Technology. 1910. 303 p. 26 cm. Paper, 35 cents.

Class U. Military science. 1910. 93 p. 26 cm. Paper, 15 cents.

Class V. Naval science. 1910. 106 p. 26 cm. Paper, 20 cents.

Subject Headings. [Subject headings used in the dictionary catalogues of the Library of Congress] A-K. Paper: A, p. 1-64, 30 cents; B, p. 65-119, 25 cents; C, p. 120-232, 55 cents; D, p. 233-267, 15 cents; E, p. 269-321, 25 cents; F, p. 322-368, 25 cents; G, p. 369-412, 20 cents; H, p. 413-450, 20 cents; I, p. 451-504, 25 cents; J, p. 505-518, 5 cents; K, p. 519-527, 5 cents.

Subject Headings. Additions and corrections. no. 6, Jan. 1911; no. 7, May, 1911. 22½ cm. Paper, 5 cents each.

American and English genealogies in the Library of Congress. Preliminary catalogue. 1910. 805 p. 26½ cm. Cloth, \$1.05.

Compiled by the Division of Documents:

Monthly list of State publications. May-Dec. 1910. Jan.-Mar. 1911. Paper, 50 cents a year.

Compiled by the Division of Manuscripts:

Calendar of the papers of Martin Van Buren prepared from the original manuscript in the Library of Congress; by Elizabeth H. West. 1910. 757 p. 26½ cm. Cloth, \$1.

The publications of the Copyright Office are listed in the Report of the Register of Copyrights.

DIVISION OF BIBLIOGRAPHY

The chief of the division, Mr. H. H. B. Meyer, notes as a new undertaking of the past year a cooperation with various State and legislative reference librarians in the compilation of reference lists dealing with topics of an interest more local than would fall within the scope of our usual "Select Lists" and yet adjudged properly within our general scheme of service. The suggestion for such a cooperation was broached by him in a paper read at the national conference of the American Library Association at Mackinac in 1910. Response was prompt and practical experiment speedily followed.

I quote from his report:

At the beginning, the State and legislative librarians submitted a list of subjects on which they desired bibliographical reference lists. From these, and from other subjects which have come up in our own experience, a selection was made of those questions which are most likely to become matters

of legislative action in the near future. Up to date, lists on the following subjects have been sent out:

1. The Initiative, referendum and recall.
2. State versus private control of charitable and other institutions.
3. Conservation of natural resources.
4. The Public drinking cup question.
5. The Commission form of city government.
6. Capital punishment.
7. The Short ballot.
8. Open versus closed shop.
9. Control of cigarette smoking.

We send out once a month or oftener where possible two lists, a longer one on a more important topic, and a briefer one on a subject of less importance. This seemed the best way to handle both kinds of subjects, and the results would seem to indicate that the method is a good one. About 10 libraries responded to the first lists sent out, with suggestions of additions, notes and comments. Since then the number of libraries responding has steadily increased until now about 20 have thus indicated a desire to cooperate. This seems to me a very good showing when it is remembered that so many of the State libraries are still practically in an unorganized condition. Some of our correspondents, when unable to make any additions, have stated that they found our preliminary lists of the greatest use, as touching questions which have come up before them.

Another inquiry which naturally arises in connection with a cooperative scheme of this kind is, are the additions suggested really worth while? To this I should unhesitatingly say—they are; and, as example, I would cite especially the additions to the Initiative and Referendum received from Oregon, Ohio, Pennsylvania, Kansas, and California; the additions to the Commission Form of City Government received from California, Wisconsin, Pennsylvania and Massachusetts, and certain suggestions received from Texas, Indiana, and Massachusetts, all showing that we are reaching the centers of greatest activity. The numbers reached and the ready and favorable response would seem to indicate that we have begun a work which was needed.

Over and above the mere additions to the lists provided by the cooperating libraries, is the fact that we are brought into close and frequent contact with all the important

legislative reference libraries of the country, making the Library of Congress, to this extent at any rate, a center of activity for legislative reference work.

As it was not advisable under present conditions for us to undertake to print the shorter lists, I made the suggestion to the editor of "Special Libraries" that the lists appear in that periodical. This met with a hearty approval, and the lists on

State versus private control of charitable and other institutions
The Drinking cup question
The Short ballot

have appeared in the numbers of April, May and June, respectively.

The editor writes me that he expects "The Short Ballot Organization" to order a large number of the Short ballot list reprinted from the June issue. The list on Cigarette smoking will appear in the September number, and we are planning to have one list in each future issue of "Special Libraries." This experience in the periodical preparation of copy will prove of value to the division, should we at any time undertake the editing of a monthly bulletin. The longer lists we shall print ourselves and with the beginning of the new fiscal year the list on The Initiative, referendum and recall will be sent to press and the others will follow as rapidly as possible.

The printed lists issued during the year are noted under Publications, pages 71, 72 of this report.

The division has contributed the following to "Special libraries":

Select list of references on state supervision and administration of charities and correction in the United States. Apr. 1911, v. 2: 37-40.

Select list of references on the public drinking cup question. May, 1911, v. 2: 42-44.

Select list of references on the short ballot. June, 1911, v. 2: 58-61, and reprinted as a separate.

Those typewritten or otherwise duplicated:

Abattoirs, markets, marketing and distribution of farm products, 6 pp.; Agricultural implements: trade and manufacture, 9 pp.; Agricultural economics, 6 pp.; American history, Sources, 8 pp.; Apportionment, 3 pp.; Arizona, 5

DIVISION OF
BIBLIOGRAPHY;
*Type-written
lists, etc.*

pp.; Bank and mercantile credits, 18 pp.; Boots and shoes, Manufacture, 5 pp.; British Guiana, 7 pp.; Cabinets of England and America (supplementary list), 4 pp.; Canada and United States, Commercial and treaty relations, 4 pp.; Ceremony, History and significance, 3 pp.; Charity, 14 pp.; Church and state in France, 4 pp.; Cigarette smoking, 3 pp.; Citizenship, 6 pp.; City planning, 3 pp.; Civics, American, 5 pp.; Civil service reform in American municipalities, 5 pp.; Commerce, 17 pp.; Cooperative housekeeping, 3 pp.; Corporation laws of the states, 9 pp.; Crippled children, Care and training, 4 pp.; Cotton industry and trade, 42 pp.; Cryptography, 7 pp.; Cuba (supplementary list), 14 pp.; Drama and theatre, Social influence, 3 pp.; Drama, Italian, 8 pp.; Drama, Modern French, 11 pp.; Drama, Spanish and Portuguese, 4 pp.; Egypt, 8 pp.; Employers' liability (supplementary lists), 48 pp.; Evolution, Theory of, 6 pp.; Expositions, Statistics, 6 pp.; Express companies, 13 pp.; Federal Constitution, Revision of, 6 pp.; Florida, 5 pp.; Government ownership and control of mines (supplementary list), 2 pp.; Grain, Wheat, Flour, etc., 64 pp.; Guam (supplementary list), 4 pp.; Hanseatic League, 4 pp.; Hawaiian Islands, 4 pp.; Huguenots in America, 4 pp.; Illiteracy, 4 pp.; Independent in politics, 2 pp.; Italian commerce and banking in the Middle Ages, 4 pp.; Jute, burlap, bagging and sacking, 9 pp.; Kossuth, Louis, 11 pp.; Land, Excess condemnation and municipal ownership, 4 pp.; Land, Unused, municipal taxation, 2 pp.; Librarianship, and Library administration, 3 pp.; Lumber industry, 34 pp.; Military and naval defence of colonies, etc. 4 pp.; Mobs and riots, 3 pp.; Mormonism, 5 pp.; Municipal affairs in Germany, 6 pp.; Municipal police departments, 4 pp.; National university, 8 pp.; Negotiable instruments, 9 pp.; New nationalism, 3 pp.; New Zealand, 4 pp.; Norway, 3 pp.; Oriental students in the United States, 5 pp.; Occupational injuries and diseases, 10 pp.; Old age pensions (supplementary list), 10 pp.; Parliamentary practice, etc., 13 pp.; Perfumery, 5 pp.;

Perry, Oliver H., and Battle of Lake Erie, 9 pp.; Philippine Islands (supplementary list), 7 pp.; Phillips, Wendell, 6 pp.; Political abuse, Satire, "Muckraking," etc., 6 pp.; Porto Rico (supplementary list), 12 pp.; Premium system, 11 pp.; Private freight car lines, 7 pp.; Probation and Juvenile courts, 21 pp.; Profit-sharing, 17 pp.; Public opinion, 4 pp.; Publishers and publishing, 4 pp.; Railroad rates, Government regulation, 4 pp.; Railroads, Valuation of (supplementary list), 17 pp.; Railways and waterways, Relation between (supplementary list), 4 pp.; Recall (with supplement), 8 pp.; Reform schools, 10 pp.; Roads and road making, 7 pp.; Rubber, 19 pp.; Rural depopulation, 5 pp.; Salt: Trade and manufacture, 14 pp.; Senators, Popular election (supplementary list), 7 pp.; Sewing machines: Trade and manufacture, 5 pp.; Short ballot, 4 pp.; Social evil, 7 pp.; Spanish-American war, Regimental histories, 13 pp.; Stock exchanges, United States, 10 pp.; Stuyvesant, Peter, 4 pp.; Suffrage, 3 pp.; Suffrage, Educational qualifications, 5 pp.; Tariff question as related to free raw materials, 7 pp.; Taxation, Inheritances (supplementary list), 3 pp.; Tilden, Samuel J., 5 pp.; Trade regulations, Early, 12 pp.; Trade with the Far East, 5 pp.; United States Government, 4 pp.; United States secret service, 6 pp.; United States steel corporation, 10 pp.; Wages, State regulation, 4 pp.; Water laws and legislation, 10 pp.; Women in journalism, 2 pp.; Wool, with special reference to the tariff, 50 pp.

Lists printed on duplicating machine: Capital punishment, 20 pp.; Charities and correction in the United States, 3 pp.; Cigarette smoking, 6 pp.; Commission form of municipal government, 22 pp.; Conservation of natural resources, 39 pp.; Drinking cup legislation, 3 pp.; Initiative, referendum and recall, 41 pp.; Open shop, 12 pp.; Panama canal, International status, 14 pp.; Public lands, Leasing of, 5 pp.; Railroads, Valuation and capitalization of, 17 pp.; Short ballot, 7 pp.; Tariff policy of free raw materials, 9 pp.; United States government, Departments of, 54 pp.

LEGISLATIVE REFERENCE BUREAU

The interest in developing in, or in connection with, the Library, a service to Congress even more specific has been evidenced by the introduction of several bills looking to the creation of a legislative reference and bill drafting bureau. These bills induced the presentation by me of a special report, printed as Senate Document No. 7, Sixty-second Congress, first session and reprinted here as Appendix IV, outlining the functions of such a bureau, indicating certain distinctions, and concluding with certain recommendations of a general nature. I later submitted (to the committees to which the bills were referred) actual drafts of bills which in my judgment would accomplish the results desired more simply, more effectively, and more economically than in the form proposed by the bills introduced. Copies of these drafts also are appended. As regards the function of bill drafting they are in the alternative, subject to the preference of Congress as to whether this should be undertaken by a corps controlled by the Library or by one directly associated with Congress itself. Throughout, the report emphasizes that on principle and under precedent, the work of the Bureau, to be completely and permanently useful, must be scientific; that the force must be organized, appointed and administered as a force of scientific experts—whose only aim should be the pursuit of truth, exact and efficient; and the recommendations therefore ignore the suggestions of certain of the bills which intend a Bureau distinctively political and partisan.

Certain of the propositions presented seem to have overlooked the fact that the Library of Congress has, for many years, performed many of the functions usual in legislative reference bureaus. It took the lead in preparing bibliographic lists on public questions. "In 1900, when the subject of newly acquired territories was under consideration by Congress, it prepared a list of books on the Theory of colo-

nization. From that time on, it has published at opportune times select lists on questions of pending legislation in Congress. Through its Division of Bibliography assistance has been rendered to Members of Congress in matters under their consideration, perhaps with regard to a bill, or with regard to a committee report, or with regard to speeches that were to be made, or in other respects. Calls for information, or for references, have been made personally, or come by letter, by telephone, or by telegraph. Sometimes they have come when a member was speaking on the floor, or when a committee was in session. While the Library has not undertaken to prepare speeches or write briefs, it has, in particular instances, furnished material which has been incorporated in speeches. Its officials have at all times been ready to advise senators and members upon the best sources of information and otherwise to render accessible the resources of the Library. The accumulation of material of value to the legislator, is of course one of its regular and primary functions: the only respect in which it stops short of a legislative reference bureau in this regard being that it has thus far contented itself with acquiring and preserving the material in its ordinary forms, not undertaking to dissect it with reference to particular subjects.

Respectfully submitted

HERBERT PUTNAM

Librarian of Congress

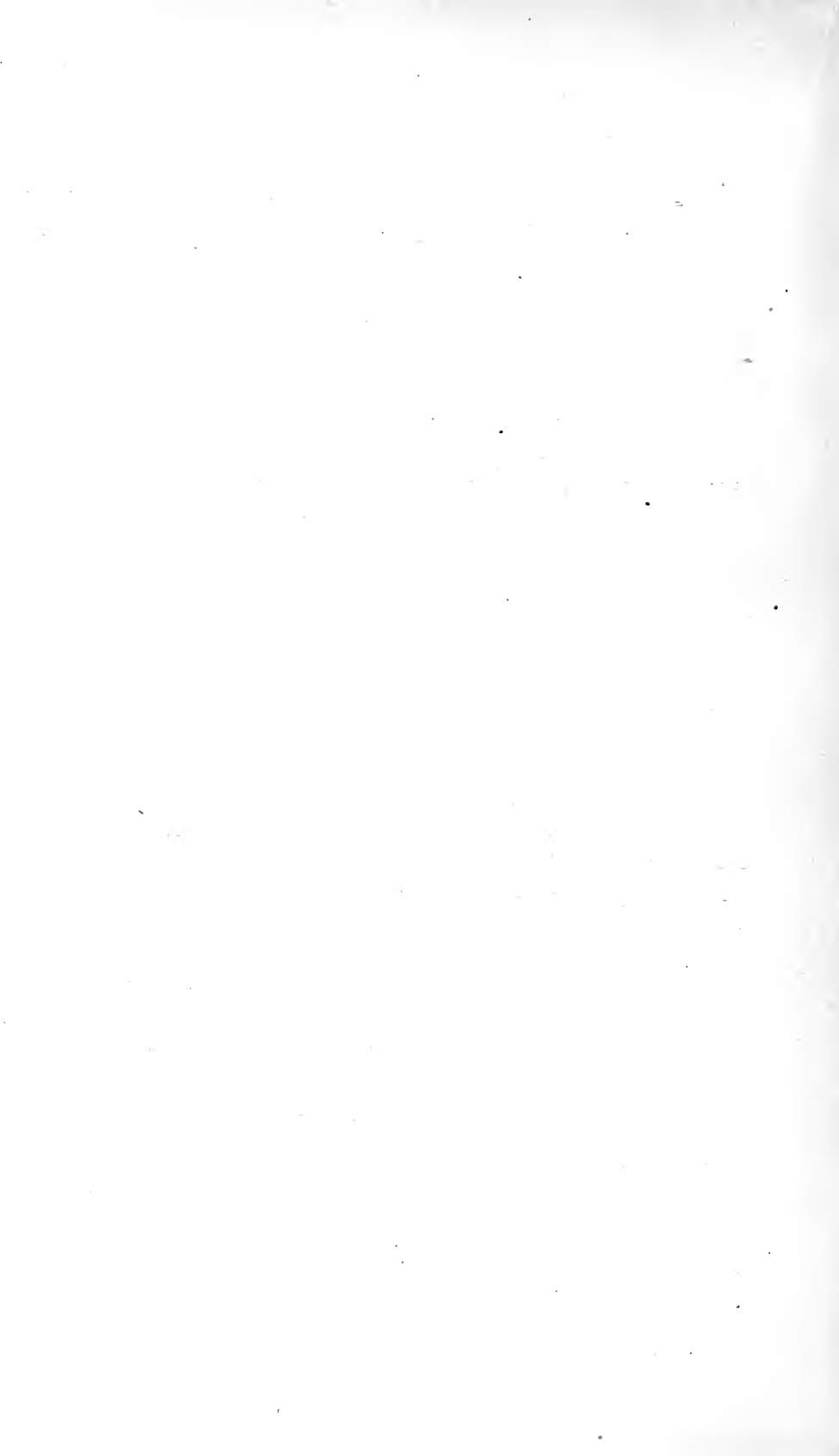
The Honorable

THE PRESIDENT OF THE SENATE

The Honorable

THE SPEAKER OF THE

HOUSE OF REPRESENTATIVES



REPORT OF THE SUPERINTENDENT
OF THE LIBRARY BUILDING
AND GROUNDS

REPORT OF THE SUPERINTENDENT OF THE LIBRARY BUILDING AND GROUNDS

LIBRARY OF CONGRESS
Washington, D. C., December 4, 1911

SIR: I have the honor to submit my annual report on the custody, care, and maintenance of the Library Building and Grounds of the Library of Congress for the fiscal year ending June 30, 1911.

Previous reports from year to year have set forth the duties, variety, and extent of the labors performed by the department of building superintendence, custody, care and maintenance, equipment, and financial disbursements pertaining to the entire Library. The tables below indicate these duties and proceedings in detail for the last fiscal year.

The work is naturally growing and becoming more important and imperative with the steady increase of the Library and its activities, which have continued uninterruptedly throughout the fourteen years that it has occupied its present building.

VISITORS TO THE LIBRARY BUILDING

During the year July 1, 1910, to June 30, 1911, the count of visitors to the building and users of the Library was as follows:

Month	9 to 6	6 to 10	Maximum	Minimum	Daily average	Days
July.....	25,137	24,232	2,544	312	1,646	30
August.....	40,126	40,695	5,687	434	2,607	31
September.....	35,205	35,757	4,086	533	2,365	30
October.....	36,004	26,354	3,391	1,383	2,012	31
November.....	35,670	20,358	3,557	1,199	1,868	30
December.....	33,410	14,733	2,781	593	1,660	29
January.....	36,795	18,619	3,206	1,392	1,788	31
February.....	39,464	22,871	4,059	1,314	2,226	28
March.....	38,332	23,999	3,080	1,354	2,011	31
April.....	46,207	39,079	4,321	1,775	2,843	30
May.....	33,884	29,253	3,355	1,348	2,037	31
June.....	33,079	27,299	2,855	1,480	2,013	30
Total.....	433,313	323,249	.....	.....	.....	362

Grand total, 756,562.

Daily average for 362 days, 2,090.

DETAILS OF EXPENSES FOR FUEL, LIGHTS, REPAIRS, AND
MISCELLANEOUS SUPPLIES

The appropriation for these purposes during the year was the same as for the previous year, \$32,500, and was expended for the following items:

Watch and housekeeping department:

Ice (401,389 lbs.).....	\$1,204.19
Dry goods (towels, cleaning cloths, etc.)....	365.88
Painting, labor.....	423.77
Painting supplies.....	462.65
Hardware supplies.....	552.86
Housekeeping (brooms, brushes, buckets, glasses, etc.).....	216.00
Door checks.....	280.00
Miscellaneous supplies.....	238.39
Soap powders.....	271.61
Soaps.....	99.69
Washing towels.....	260.67
Repairs (doors, windows, floors, etc.).....	49.56
Toilet supplies.....	32.50
	<hr/> \$4,457.77

Engineer department:

Coal (1,775 tons).....	\$9, 532. 62
Electric driven pumps for elevator and house service	8, 045. 00
Electric driven pump for air compressor. . . .	1, 345. 00
Waterproofing boiler vault.....	1, 036. 71
Plumbing supplies.....	618. 07
Miscellaneous supplies.....	435. 49
Instructor on new electric plant.....	263. 33
Removing ashes.....	255. 84
Tools.....	168. 89
Repairs.....	134. 48
Oil.....	53. 18
Gas.....	24. 23
	<hr/> \$21, 912. 84

Electrical department:

Incandescent electric lamps.....	4, 394. 90
Miscellaneous supplies.....	434. 52
Intercommunicating telephones.....	21. 10
Electric fans.....	153. 15
	<hr/> 5, 003. 67

Office:

Telephone service (1 central station, 4 trunk lines, and 59 substations).....	869. 67
Stationery and office supplies.....	151. 49
Street car tickets.....	45. 00
Postage.....	16. 00
Express and freight charges.....	7. 93
City directory.....	6. 00
Telegrams.....	3. 00
	<hr/> 1, 098. 19

Total.....	32, 472. 47
------------	-------------

FURNITURE, INCLUDING PARTITIONS, SCREENS, SHELVING,
AND ELECTRICAL WORK PERTAINING THERETO

From the appropriation of \$25,000 for these purposes the following expenditures were made during the year:

Wood and glass inclosures for book stack, north curtain, second story	\$4, 409. 32
Additional metal book shelves for stacks.....	2, 736. 00
Miscellaneous furniture (including tables, desks, stands, cases, chairs, water coolers, hardware, etc.).....	2, 669. 97
Card catalogue cases and trays.....	2, 335. 05
Typewriting machines and repairing.....	2, 156. 25
Repairing and fitting of miscellaneous furniture, including labor and materials.....	2, 109. 43

Stack and shelving for Music Division, including electrical work.....	\$1,592. 27
Electrical work in south book stack.....	1,572. 88
Electrical work in north book stack.....	1,437. 80
Altering, enlarging, and refinishing inclosure and counter in Print Division.....	1,072. 98
Metal book supports.....	906. 45
Book lift, southwest stair tower.....	625. 00
Wood and glass screen for Documents Division.....	459. 60
Steel wardrobe lockers.....	398. 90
Carpets, runners, etc.....	291. 02
Awnings.....	97. 00
Map rack.....	60. 00
Travel.....	41. 03
Express and freight.....	2. 87
Total.....	24,973. 82

THE TWO NEW BOOK STACKS

One of these is the large stack occupying the entire south-east court of the building for the special accommodation of bound volumes of newspapers and for other books of all kinds. It is to receive its mechanical automatic book carrier of necessary special design and construction, running in a vertical shaft at the side of one of the elevators throughout the nine stories of the stack. This will ensure the greatest practicable speed of service between the stack, main reading room and other parts of the building. Its construction is under way at a total cost of \$4,800.

The other stack is that for the Division of Music, in the north curtain, basement. It was begun near the close of the previous fiscal year, and was completed and equipped during the past year at a total cost of \$10,871.27. Like all the other stacks in the building, its design and construction is especially and economically adapted for its purpose and fireproof throughout. It is also conveniently accessible and economically lighted, and has provision for probable future extension into the space on the floor below.

VENTILATION, RENOVATION AND REPAIRS

As the collections and activities of the Library increase, as naturally they are constantly doing, the caretaking and cleaning throughout the building necessarily increase proportionately.

To meet this condition slight additions appear in this year's estimate of appropriations, especially as the similar additions estimated for last year were not provided. The means of keeping the building within and the grounds without in what seems to be a barely proper condition have been but scantily provided for by the appropriations of recent years. A very trifling amplification of these means in money and the cheapest class of employees would very materially and sufficiently enable the present condition to be overcome. We succeed in presenting a fairly good appearance in the front and more public spaces of the building, but are seriously crippled elsewhere.

It will always be more economical, as well as more uniformly effective in the long run, to maintain the building and grounds at a reasonable standard of condition than to allow them to run down, become gradually shabby, and then at much expense and inconvenience undertake their restoration to good repair and the renewal of the extensive mechanical apparatus. A few thoroughly capable, skilful and interested employes, thoroughly familiar with the building and with the location and peculiarities of all its hidden as well as its visible complex details, both constructive and mechanical, always present and active to take the "stitch in time," is a far more economical organization in every sense than one so scant and weak that important items of maintenance and upkeep are unavoidably slighted or deferred altogether.

It is quite realized and understood that too ample a force of operatives and caretakers would be less economical than a scanty one. It is the reasonable minimum only that is

recommended and anxiously estimated for. Whenever repairs or articles that could be home made, and there are many such during the year, have to be purchased in the market their cost often greatly exceeds that of the home work and they are often but ill adapted to their purposes and embarrassingly slow of delivery.

Furthermore, the building employees are available in emergencies for unusual hours. One of the great economies of the relatively small improvement in the force thus outlined would be the greatly increased independence and efficiency of the Library in the service it is required to render.

HEATING, LIGHTING AND POWER PLANT

This service for the Library was connected during the year to the new central power station established for the government buildings on Capitol Hill and is operating very satisfactorily. It saves to the Library the purchase of coal, the service of steam engineers and firemen and the maintenance and operation of steam boilers and electric generators, as well as the incidental dirt, noise and excessive heat, and substitutes a half dozen operators of electric transformers. It saves also the space occupied by the boilers, coal storage and dynamos.

One-half of the original battery of boilers has been disposed of and removed, and this is expected shortly to be done with the remaining boilers and the dynamos or generators.

To save to the Library the use of high pressure steam and practically all steam whatever in the summer time, electric motor drives are being provided for the hydraulic and pneumatic pumps of the elevator and transmission tube services of the Library.

APPROPRIATIONS AND EXPENDITURES

In addition to the appropriations for the Library, this office is charged with the disbursement of the appropria-

Superintendent of Building and Grounds 89

tions for the United States Botanic Garden, and any others placed under the control of the Joint Committee on the Library.

The following table presents the several appropriations accordingly disbursed during the fiscal year and the corresponding appropriations for the preceding and succeeding years:

Object of appropriations	Appropriations, 1910	Appropriations, 1911	Expenditures, 1911	Appropriations, 1912
Library:				
Salaries.....	¹ \$357,683.45	² \$368,503.58	\$367,634.44	\$374,360.00
Special and miscellaneous service.....	³ 2,051.83	³ 2,450.68	1,955.85	³ 2,494.83
Contingent expenses.....	⁴ 7,331.46	7,300.00	⁵ 7,289.20	6,800.00
Increase of library:				
Purchase of books.....	100,000.00	100,000.00	⁵ 100,000.00	90,000.00
Purchase of law books....	3,000.00	3,000.00	⁵ 3,000.00	3,000.00
Purchase of periodicals....	5,000.00	5,000.00	⁵ 5,000.00	5,000.00
Index to Statutes at Large....	10,000.00	5,000.00	4,999.51	.....
Total	485,066.74	491,254.26	489,879.00	481,654.83
Building and grounds:				
Care and maintenance.....	79,705.00	79,705.00	78,104.00	74,505.00
Fuel, lights, etc.....	32,500.00	32,500.00	⁵ 32,472.47	18,000.00
Furniture.....	25,000.00	25,000.00	⁵ 24,973.82	20,000.00
Book stack, southeast court....	³ 233,329.89	38,589.43	29,906.46	⁶ 8,682.97
Total	370,534.89	175,794.43	165,456.75	121,187.97
Botanic Garden:				
Salaries.....	16,393.75	16,393.75	16,392.63	16,393.75
Improving garden.....	6,500.00	6,500.00	⁵ 6,500.00	6,500.00
Improving buildings.....	7,000.00	7,000.00	⁵ 7,000.00	7,000.00
Total	29,893.75	29,893.75	29,892.63	29,893.75
Repairs of paintings in Capitol....	1,500.00	1,500.00	1,498.00	1,500.00
Bust of President Zachary Taylor.	2,000.00	.....	.....	.....
Marking historical places, District of Columbia.....	.....	1,000.00	150.00	³ 1,350.00
Removing Botanic Garden fence....	.....	.....	.....	2,500.00

¹ Including deficiency appropriation of \$500 and increase of \$563.45 by sale of cards.

² Including increase of \$763.58 by sale of cards.

³ Including balance available from preceding year.

⁴ Including credit of \$31.46 from sale of stationery supplies to Library Building and grounds.

⁵ Including unfilled orders.

⁶ Balance available from preceding year.

UNEXPENDED BALANCES

All claims for the fiscal year 1909 have been settled, including those paid on auditor's certificate, and the unexpended balances of the appropriations have been deposited to the credit of the surplus fund of the Treasury, in amounts as follows:

Library:

Salaries.....	\$603. 73
Increase of library.....	21. 06
Contingent expenses.....	53. 10
	<hr/> \$677. 89

Building and grounds:

Care and maintenance.....	202. 48
Furniture.....	. 69
Fuel, lights, etc.....	197. 82
	<hr/> 400. 99

Botanic Garden:

Salaries.....	121. 74
Improving garden.....	38. 00
Improving buildings.....	. 09
	<hr/> 159. 83
	<hr/> 1, 238. 71

MISCELLANEOUS RECEIPTS

The following sales of public property were made during the year and the proceeds deposited in the Treasury to the credit of the United States:

Old typewriters credited in part payment for new....	\$380. 50
Waste paper by competitive contract.....	305. 55
Refuse furniture and materials by auction.....	632. 12
	<hr/> 1, 318. 17

Respectfully submitted

BERNARD R. GREEN

Superintendent of the Library Building and Grounds

The Honorable

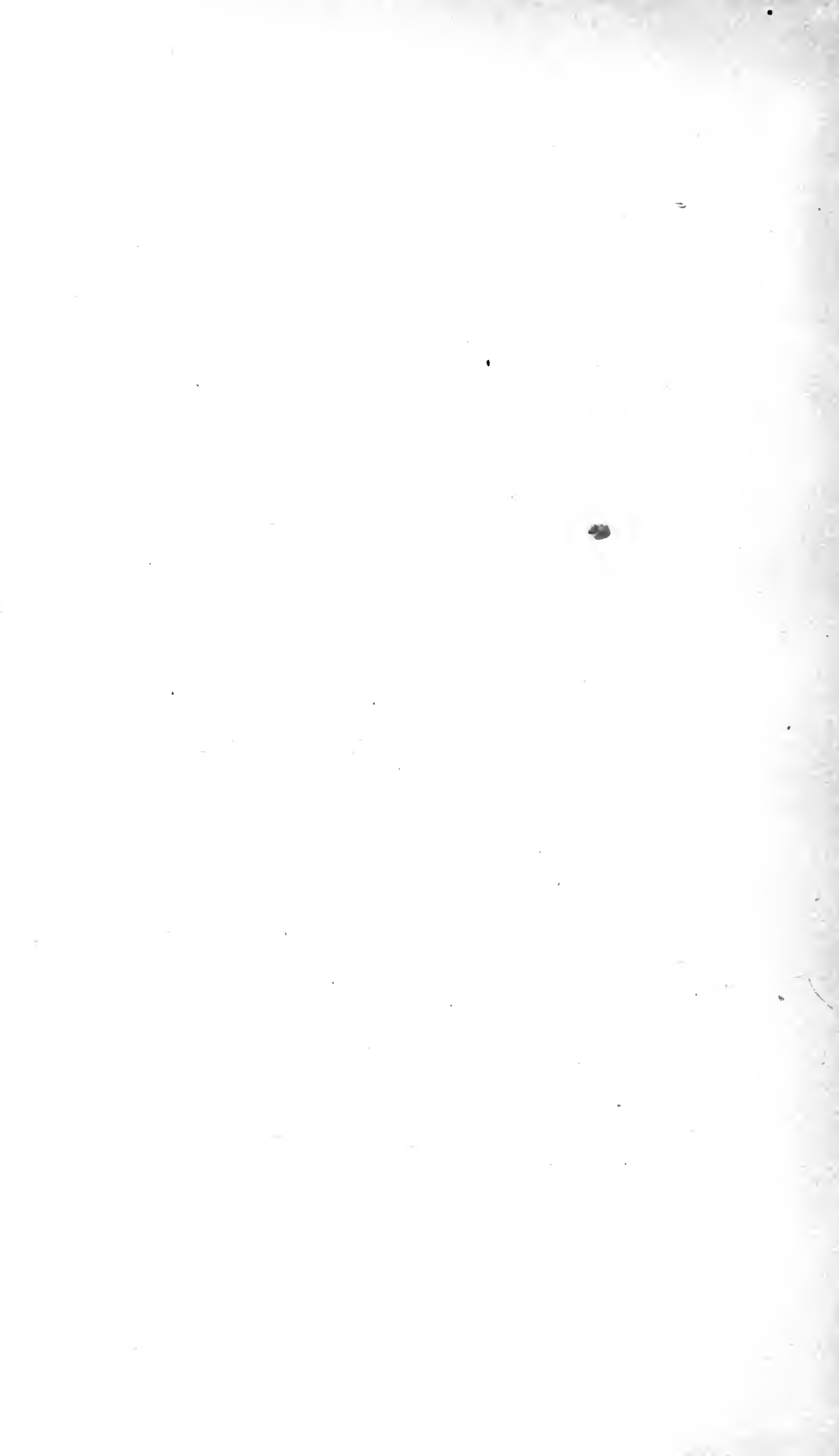
The PRESIDENT OF THE SENATE

The Honorable

The SPEAKER OF THE HOUSE OF REPRESENTATIVES

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APPENDIX Ia

APPROPRIATIONS AND EXPENDITURES, 1910-11

	Appropriations	Expended	Unexpended
SALARIES			
Library service:			
General	\$245, 080. 00	\$244, 498. 47	\$581. 53
Sunday	10, 000. 00	9, 894. 65	105. 35
Special	^a 2, 450. 68	1, 955. 85	494. 83
Index to the Statutes at Large	5, 000. 00	4, 999. 51	. 49
Carrier service	960. 00	960. 00	.....
Distribution of card indexes	^b 19, 563. 58	^c 19, 472. 72	90. 86
Copyright Office	92, 900. 00	92, 808. 60	91. 40
Total	375, 954. 26	374, 589. 80	1, 364. 46
INCREASE OF LIBRARY			
Purchase of books	100, 000. 00	100, 000. 00	.....
Purchase of periodicals	5, 000. 00	5, 000. 00	.....
Purchase of law books	^d 3, 000. 00	3, 000. 00	.....
Total	108, 000. 00	108, 000. 00	.....
Contingent expenses	7, 300. 00	7, 289. 20	10. 80
Printing and binding (allotment, not appropriation)	^e 202, 327. 23	201, 905. 01	422. 22
Grand total	693, 581. 49	691, 784. 01	1, 797. 48

^a Includes balance of \$450.68 from 1909-10.

^b Includes \$763.58 credits on account of sales to government institutions. Does not include \$54.68 yet to be credited.

^c An indebtedness of \$141.50 is to be paid when amounts due through sales to government institutions have been credited in full.

^d Exclusive of \$1,500 to be expended by the marshal of the Supreme Court for new books of reference for that body.

^e Includes \$327.23 credits on account of sales to government institutions. Does not include \$23.45 yet to be credited.

CONTINGENT EXPENSES IN DETAIL

Object of expenditure	Amount
Stationery supplies.	\$4, 017. 39
Typewriter supplies.	84. 17
Dies, presses, and rubber stamps.	177. 60
Travel expenses.	1, 023. 81
Postage stamps and international postal cards (foreign correspondence).	235. 00
Telegrams and long-distance telephone messages.	96. 72
Transfer charges.	6. 90
Post-office box rent July 1, 1910, to June 30, 1911.	16. 00
Tools. . . . .	. 75
Horse hire and care of wagon.	16. 86
Care of motor wagon and electric van (garage expenses, oil, repairs, gasoline, etc.).	171. 17
Electric delivery van (to complete).	775. 00
Motor cycle.	200. 00
Extra storage battery, tires, etc., for electric delivery van.	467. 83
Total.	7, 289. 20

APPENDIX Ib

APPROPRIATIONS FOR THE LIBRARY OF CONGRESS AS CONTAINED IN "AN ACT MAKING APPROPRIATIONS FOR THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL EXPENSES OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1912, AND FOR OTHER PURPOSES."

General administration: Librarian of Congress, \$6,500; chief assistant librarian, \$4,000; chief clerk, \$2,500; Librarian's secretary, \$1,800; clerk, \$1,200; clerk (assistant to chief clerk), \$1,000; 2 stenographers and typewriters, 1 at \$1,200 and 1 at \$720; messenger, \$840; junior messenger, \$360; in all, \$20,120.

Mail and delivery: Assistant in charge, \$1,500; assistant, \$900; 1 assistant, \$720; junior messenger, \$360; in all, \$3,480.

Order and accession: Chief of division, \$2,500; assistant, \$1,500; assistant, \$1,200; 3 assistants, at \$900 each; 2 assistants, at \$720 each; 2 assistants, at \$600 each; assistant, \$520; 2 junior messengers, at \$360 each; in all, \$11,780.

Catalogue, classification, and shelf: Chief of division, \$3,000; chief classifier, \$2,000; 4 assistants, at \$1,800 each; 7 assistants, at \$1,500 each; 6 assistants, at \$1,400 each; 12 assistants, at \$1,200 each; 6 assistants, at \$1,000 each; 14 assistants, at \$900 each; 4 assistants, at \$800 each; 13 assistants, at \$720 each; 3 assistants, at \$600 each; 10 assistants, at \$540 each; 4 assistants, at \$480 each; 6 junior messengers, at \$360 each; in all, \$87,940.

Binding: Assistant in charge, \$1,400; assistant, \$900; junior messenger, \$360; in all, \$2,660.

Bibliography: Chief of division, \$3,000; assistant, \$1,500; 2 assistants, at \$900 each; stenographer and typewriter, \$900; assistant, \$720; junior messenger, \$360; in all, \$8,280.

Reading rooms (including evening service) and special collections: Superintendent of reading room, \$3,000; 2 assistants, at \$1,500 each; 4 assistants, at \$1,200 each; 5 assistants, at \$900 each; stenographer and typewriter,

\$900; 10 assistants, at \$720 each; 2 assistants, at \$600 each; attendant, Senate reading room, \$900; 2 attendants, Representatives' reading room, 1 at \$900 and 1 at \$720; 2 attendants, cloak rooms, at \$720 each; attendant, Toner Library, \$900; attendant, Washingtonian Library, \$900; telephone operator, \$600; 2 attendants (for gallery and alcoves), at \$480 each; 4 junior messengers, at \$360 each; 2 watchmen, at \$720 each; evening service, 5 assistants, at \$900 each; 15 assistants, at \$720 each; 2 assistants, at \$600 each; in all, \$51,300.

Periodical (including evening service): Chief of division, \$2,000; chief assistant, \$1,500; 2 assistants, at \$900 each; stenographer and typewriter, \$900; 3 assistants, at \$720 each; 2 junior messengers, at \$360 each; for arrears of sorting and collating and to enable periodical reading room to be open in the evenings, 2 assistants, at \$720 each; in all, \$10,520.

Documents: Chief of division, \$3,000; assistant, \$1,400; stenographer and typewriter, \$900; assistant, \$720; junior messenger, \$360; in all, \$6,380.

Manuscript: Chief of division, \$3,000; chief assistant, \$1,500; assistant, \$900; junior messenger, \$360; in all, \$5,760.

Maps and charts: Chief of division, \$3,000; assistant, \$1,400; two assistants, at \$900 each; assistant, \$720; junior messenger, \$360; in all, \$7,280.

Music: Chief of division, \$3,000; assistant, \$1,500; assistant, \$1,000; two assistants, at \$720 each; junior messenger, \$360; in all, \$7,300.

Prints: Chief of division, \$2,000; assistant, \$1,400; two assistants, at \$900 each; junior messenger, \$360; in all, \$5,560.

Smithsonian deposit: Custodian, \$1,500; assistant, \$1,400; messenger, \$720; junior messenger, \$360; in all, \$3,980.

Congressional Reference Library: Custodian, \$1,500; assistant, \$1,200; assistant, \$900; assistant, \$720; two junior messengers, at \$360 each; in all, \$5,040.

Law Library: Law librarian, \$3,000; two assistants, at \$1,400 each; assistant, \$900; assistant, \$480; junior messenger, \$360; assistant for evening service, \$1,500; in all, \$9,040.

COPYRIGHT OFFICE, under direction of the Librarian of Congress: Register of copyrights, \$4,000; assistant register of copyrights, \$3,000; three clerks, at \$2,000 each; 2 clerks, at \$1,800 each; 7 clerks, at \$1,600 each; clerk, \$1,500; 8 clerks, at \$1,400 each; 10 clerks, at \$1,200 each; 10 clerks, at \$1,000 each; 16 clerks, at \$900 each; 2 clerks, at \$800 each; 10 clerks, at \$720 each; 4 clerks, at \$600 each; 2 clerks, at \$480 each; four junior messengers, at \$360 each. Arrears, special service: 3 clerks, at \$1,200 each; porter, \$720; junior messenger, \$360; in all, \$95,180.

DISTRIBUTION OF CARD INDEXES: For service in connection with the distribution of card indexes and other publications of the Library, including not exceeding \$500 for freight charges, expressage, and traveling expenses connected with such distribution, \$21,800.

TEMPORARY SERVICES: For special and temporary service, including extra special services of regular employees, at the discretion of the Librarian, to continue available until expended, \$2,000.

CARRIER SERVICE: For service in connection with the Senate and House Office Buildings, \$960, or so much thereof as may be necessary.

SUNDAY OPENING: To enable the Library of Congress to be kept open for reference use from 2 until 10 o'clock post meridian on Sundays and legal holidays, within the discretion of the Librarian, including the extra services of employees and the services of additional employees under the Librarian, \$10,000, or so much thereof as may be necessary.

INCREASE OF LIBRARY OF CONGRESS: For purchase of books for the Library, including payment in advance for subscription books and society publications, and for freight, commissions, and traveling expenses incidental to the acquisition of books by purchase, gift, or exchange, \$90,000;

For purchase of books and for periodicals for the law library, under the direction of the Chief Justice, including payment in advance for subscriptions to law periodicals, \$3,000;

For purchase of new books of reference for the Supreme Court, to be a part of the Library of Congress, and purchased by the marshal of the Supreme Court, under the direction of the Chief Justice, \$2,000;

For purchase of miscellaneous periodicals and newspapers, including payment in advance for subscriptions to the same, \$5,000;

In all, \$100,000.

CONTINGENT EXPENSES: For miscellaneous and contingent expenses of the Library, stationery, supplies, and all stock and materials directly purchased, miscellaneous traveling expenses, postage, transportation, and all incidental expenses connected with the administration of the Library and the Copyright Office, which sum shall be so apportioned as to prevent a deficiency therein, \$6,800.

CUSTODY, CARE, AND MAINTENANCE OF LIBRARY BUILDING AND GROUNDS: Superintendent of the Library building and grounds, \$5,000; chief clerk, \$2,000; clerk, \$1,600; clerk, \$1,400; clerk, \$1,000; messenger; assistant messenger; telephoneswitchboard operator; assistant telephone switchboard operator; captain of watch, \$1,400; lieutenant of watch, \$1,000; 16 watchmen, at \$720 each; carpenter, \$900; painter, \$900; foreman of laborers, \$900; 14 laborers, at \$480 each; 2 attendants in ladies' room, at \$480 each; 4 check boys, at \$360 each; mistress of charwomen, \$425; assistant mistress of charwomen, \$300; 45 charwomen; chief engineer, \$1,500; assistant engineer, \$1,200; 3 assistant engineers, at \$900 each; electrician, \$1,200; machinist, \$1,000; machinist, \$900; 2 wiremen, at \$900 each; plumber, \$900; 3 elevator conductors, at \$720 each; 10 skilled laborers, at \$720 each; in all, \$71,705.

For extra services of employees and additional employees under the superintendent of Library building and grounds to provide for the opening of the Library building from 2 until 10 o'clock post meridian on Sundays and legal holidays, \$2,800.

For fuel, lights, repairs, miscellaneous supplies, electric and steam apparatus, city directory, stationery, and all incidental expenses in connection with the custody, care, and maintenance of said building and grounds, including mail and delivery wagon, repair of east driveway pavement, and repair of boiler vaults, \$18,000.

For furniture, including partitions, screens, shelving, and electrical work pertaining thereto, \$20,000.

Provisions in "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes."

For such trees, shrubs, plants, fertilizers, and skilled labor for the grounds of the Library of Congress as may be requested by the superintendent of the Library building, \$1,000.

For the Library of Congress, including the Copyright Office, and the publication of the Catalogue of Title Entries of the Copyright Office, and binding, rebinding, and repairing of Library books, and for building and grounds, Library of Congress, \$202,000.

APPENDIX II

REPORT OF THE REGISTER OF COPYRIGHTS FOR THE FISCAL YEAR 1910-11

WASHINGTON, D. C., *July 7, 1911*

SIR: The copyright business and the work of the Copyright Office for the fiscal year from July 1, 1910, to June 30, 1911, inclusive, are summarized as follows:

RECEIPTS

The gross receipts during the year were \$113,661.52. *Fees, etc.*
A balance of \$6,773.71, representing trust funds and unfinished business, was on hand July 1, 1910, making a total of \$120,435.23 to be accounted for. Of this amount the sum of \$3,143.95 received by the Copyright Office was refunded as excess fees or as fees for articles not registrable, leaving a net balance of \$117,291.28. The balance carried over to July 1, 1911, was \$7,377.33 (representing trust funds, \$6,512.89, and total unfinished business since July 1, 1897—14 years—\$864.44), leaving for fees applied during the fiscal year 1910-11, \$109,913.95.

This is an increase in fees over the previous fiscal year of \$5,269.

EXPENDITURES

The appropriation made by Congress for salaries in the Copyright Office for the fiscal year ending June 30, 1911, was \$92,900. The total expenditure for salaries was \$92,808.60, or \$17,105.35 less than the net amount of fees earned and paid into the Treasury during the corresponding year. The expenditure for supplies, except furniture, including stationery and other articles, and postage on foreign mail matter, etc., was \$1,007.96. *Salaries*
Expenditures

During the 14 fiscal years since the reorganization of the Copyright Office (from July 1, 1897, to June 30, 1911), the total receipts have exceeded a million dollars (\$1,131,012.31); the copyright fees applied and paid into the *Copyright receipts and fees* *re-*

Treasury have amounted to more than a million dollars (\$1,072,981.65); the articles deposited number more than two and one-half million (2,582,170), and the total copyright registrations nearly one and a half million (1,456,801).

The fees (\$1,072,981.65) were larger than the appropriations for salaries (\$910,076.42) used during the same period by \$162,905.23.

*Value of copy-
right deposits*

In addition to this direct profit, a large number of the 2,582,170 books, maps, prints, and other articles deposited during the 14 years were of substantial pecuniary value and of such a character that their accession to the Library of Congress through the Copyright Office effected a saving to the purchase fund of the Library equal in amount to their cost.

COPYRIGHT ENTRIES AND FEES

Registrations

The registrations for the fiscal year numbered 115,198. Of these 101,561 were registrations at \$1 each, including a certificate, and 12,709 were registrations of photographs without certificates, at 50 cents each. There were also 928 registrations of renewals at 50 cents each. The fees for these registrations amounted to a total of \$108,379.50.

The number of registrations in each class from July 1, 1910, to June 30, 1911, as compared with the number of entries made in the previous year, is shown in Exhibit F.

COPYRIGHT DEPOSITS

*Articles depos-
ited*

The various articles deposited in compliance with the new copyright law, which have been registered, stamped, indexed, and catalogued during the fiscal year, amount to 209,227. The number of these articles in each class for the 14 fiscal years is shown in Exhibit G.

*Elimination of
copyright deposits*

The copyright act which went into force on July 1, 1909, provides for the gradual elimination of the accumulated copyright deposits (see sections 59 and 60).¹ These, con-

¹ SEC. 59. That of the articles deposited in the Copyright Office under the provisions of the copyright laws of the United States or of this act, the Librarian of Congress shall determine what books and other articles shall be transferred to the permanent collections of the Library of Congress, including the law library, and what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange,

sisting of books, etc., not drawn up into the Library of Congress collections, and numbering more than two million articles, have been stored in the cellars under the Copyright Office, after having been properly arranged by class and entry number, and indexed on cards.

As soon as space in the new stack was available for the Copyright Office use, all book deposits (some 200,000 volumes) were moved from the cellars to deck 36 and arranged for convenient scrutiny. Under the direction of the Superintendent of the Reading Room, the examination of these books was begun on or about December 1, 1910, and is still being carried on. All books desired for the use of the Library have been so marked, and 20,572 volumes have been transferred to the Library through the Order Division. These volumes were in addition to the "first" copies of copyright books sent as received from day to day, numbering 12,903 for the fiscal year, thus making a total of 33,475 books and pamphlets delivered to the Library from the Copyright Office.

In addition to the current copies of maps and musical works sent from day to day to the Music and Map Divisions of the Library from the Copyright Office (4,648 maps and about 25,000 musical compositions) a special lot of 6,809 insurance maps received since January 1, 1901, and 1,566 pieces of music (duplicates selected by the Music Division) were transferred under the provisions of section 59.

or be transferred to other governmental libraries in the District of Columbia for use therein.

SEC. 60. That of any articles undisposed of as above provided, together with all titles and correspondence relating thereto, the Librarian of Congress and the register of copyrights jointly shall, at suitable intervals, determine what of these received during any period of years it is desirable or useful to preserve in the permanent files of the Copyright Office, and, after due notice as hereinafter provided, may within their discretion cause the remaining articles and other things to be destroyed: *Provided*, That there shall be printed in the Catalogue of Copyright Entries from February to November, inclusive, a statement of the years of receipt of such articles and a notice to permit any author, copyright proprietor, or other lawful claimant to claim and remove before the expiration of the month of December of that year anything found which relates to any of his productions deposited or registered for copyright within the period of years stated, not reserved or disposed of as provided for in this act: *And provided further*, That no manuscript of an unpublished work shall be destroyed during its term of copyright without specific notice to the copyright proprietor of record, permitting him to claim and remove it.

Books transferred to other libraries

The act of March 4, 1909 (sec. 59), provides for the transfer to other governmental libraries in the District of Columbia "for use therein" of such copyright deposits as are not required by the Library of Congress, and during the present fiscal year 6,695 books were selected by the librarians and thus transferred to the libraries of the Bureau of Education, Bureau of Mines, Bureau of Standards, Department of Agriculture, Treasury Department, Interstate Commerce Commission, Naval Observatory, Surgeon General's Office, and the public library of the District of Columbia.

Return of deposits to copyright claimants

Under the provisions of the act of March 4, 1909, authority is granted for the return to the claimant of copyright of such copyright deposits as are not required by the Library. The notice required by section 60 has been printed during the year for all classes of works deposited and registered during the years 1870 to 1879, but no requests have so far been received to enable the return of articles. On the other hand, in response to special requests, 37 dramatic or musical compositions have been returned to the copyright claimants, and of the current deposits not needed by the Library of Congress the following have also been so returned: 635 books, 3,058 photographs, 10,406 prints, 2,981 contributions to periodicals; a total of 17,117 articles.

Failure to deposit copies

It is an interesting question to what extent there may be a failure to deposit in the Copyright Office works upon which copyright is claimed. From time to time inquiries are received at the Copyright Office from the Card Section, the Order Division, and the Reading Room for books supposed to be copyrighted but not found in the Library. From January 1, 1910, to June 30, 1911, such inquiries were received in relation to 743 different works. Upon examination it was found that 101 of these works were already in the Library, and the inquiries should not have been made; 178 of the books had been deposited and were still in the Copyright Office; 29 works were either not published, did not claim copyright, or for other reasons could not be deposited, and in the case of 131 works no answers to our letters of inquiry had been received up to June 30, 1911. But copies were received of 304 works in all, in response to request made by the Copyright Office during the period of 18 months.

THE COPYRIGHT INDEX AND CATALOGUE, BULLETINS, AND CIRCULARS

The copyright registrations are indexed upon cards. The cards made are first used as copy for the printed catalogue and after printing are added to the permanent card indexes of the copyright entries. The temporary cards made for the printed indexes, etc., to the catalogue (numbering 124,403 during the fiscal year) are eliminated; the remaining cards (187,832 for the fiscal year) are added to the permanent card indexes, now numbering considerably more than two million cards.

Index cards

The publication of the Catalogue of Copyright Entries has been continued as required by law. For convenience of search the volumes are made to cover the works published and deposited during the calendar year rather than the fiscal year. Five volumes of the Catalogue of Copyright Entries were printed during the calendar year 1910, containing a total of 7,083 pages, divided as follows: Part I, Group 1, Books, volume 7 contains 1,854 pages of text and 211 pages of index, a total of 2,065 pages; Part I, Group 2, Pamphlets, leaflets, contributions to periodicals, lectures, dramas, maps, etc., volume 7, contains 1,186 pages of text and 278 pages of index, a total of 1,464 pages; Part II, Periodicals, volume 5, contains 684 pages of text and 50 pages of index, a total of 734 pages; Part III, Music, volume 5, contains 1,624 pages of text and 491 pages of index, a total of 2,115 pages; Part IV, Fine Arts, etc., volume 5, contains 646 pages of text and 59 pages of index, a total of 705 pages.

*Catalogue of
copyright entries*

Each part of the catalogue is sold separately at a nominal subscription rate within the maximum price established by law, as follows (the prices are for complete years in each case):

*Subscription
price*

Part I, Books, pamphlets, dramatic compositions, and maps, (two volumes), \$1; Part II, Periodicals, 50 cents; Part III, Musical compositions (a very bulky volume), \$1; Part IV, Prints, including chromos and lithographs, photographs, and the descriptions of original works of art—paintings, drawings, and sculpture, 50 cents. The sub-

scriptions, by express provisions of the copyright act, are required to be paid to the Superintendent of Documents (Office of the Public Printer, Washington, D. C.), and all subscriptions must be for the complete year for each part. The price for the entire catalogue for the year is \$3.

*Catalogue of
books*

All books included in the Catalogue of Copyright Entries for which printed cards are made are catalogued by the Catalogue Division of the Library of Congress. The cards are printed first and the linotype slugs are at once used for the Catalogue of Copyright Entries, thus saving the cost of resetting. To avoid delay special effort is made to forward promptly the books deposited, and 11,400 books and pamphlets were delivered to the Catalogue Division during the fiscal year on the actual day of their receipt in the Copyright Office. The Catalogue Division titles are returned to the Copyright Office in 18 days, on an average, and as soon as enough titles are received to make up not less than 4 full pages of the catalogue, they are sent to the printer. By this method two or three numbers of the catalogue of books are printed and distributed each week instead of one weekly number as heretofore, and not only is a much more prompt distribution of the catalogue thus secured, but a considerable economy in printing as well. All blank or partly blank pages are eliminated and the printing of the 52 weekly title covers is saved. The monthly indexes are printed in separate numbers which contain also the lists of copyright renewals and any miscellaneous text matter, such as copyright proclamations, notices, etc. Each printed signature contains the actual date of printing and is given a consecutive number. The pages are numbered consecutively, as well as the titles, to make one yearly volume of solid bibliographical text. A complete yearly index of authors and proprietors is supplied for each volume to take the place of the monthly indexes when the catalogue is bound.

*Foreign
deposited* books

The considerable deposit of foreign books made under the operation of the present copyright law adds a new element of value to the Catalogue of Copyright Books. A number of the current books and dramas printed and published in the leading countries of Europe are included, and it is

believed librarians and others will appreciate the opportunity offered for receiving prompt bibliographical information concerning these works.

During the fiscal year five impressions of the copyright law (Bulletin No. 14) were printed (1,000 copies each), and two impressions (6,000 copies in all) of Bulletin No. 15, "Rules and Regulations for the Registration of Claims to Copyright."

In addition, small editions were printed and distributed of the presidential proclamations in relation to copyright, as follows: General copyright proclamation in behalf of Sweden, May 26, 1911 (Circular No. 42), and special proclamations in regard to the provisions of section 1 (e) of the copyright act in relation to the mechanical reproduction of music in behalf of Germany, December 8, 1910 (Circular No. 41); Belgium, June 14, 1911 (Circular No. 43); Luxemburg, June 14, 1911 (Circular No. 44), and Norway, June 14, 1911 (Circular No. 45).

SUMMARY OF COPYRIGHT BUSINESS

Balance on hand July 1, 1910.....	\$6, 773. 71	<i>Summary of copyright business, receipts, etc.</i>
Gross receipts July 1, 1910, to June 30, 1911.	113, 661. 52	
Total to be accounted for.....	120, 435. 23	
Refunded.....	3, 143. 95	
Balance to be accounted for.....	\$117, 291. 28	
Applied as earned fees.....	109, 913. 95	
Balance carried over to July 1, 1911:		
Trust funds.....	\$6, 512. 89	
Unfinished business July 1, 1897, to June 30, 1911, 14 years.....	864. 44	
	7, 377. 33	
	117, 291. 28	
Total fees earned and paid into the Treasury during the 14 years from July 1, 1897, to June 30, 1911.....	1, 072, 981. 65	
Total unfinished business for 14 years.....	864. 44	

FEES FOR FISCAL YEAR

<i>Fees</i>	Fees for registrations, including certificates at \$1 each.....	\$101,561.00	
	Fees for registrations of photographs without certificates at 50 cents each.....	6,354.50	
	Fees for registrations of renewals at 50 cents each.....	464.00	
	Total fees for registrations recorded.....		\$108,379.50
	Fees for certified copies of record at 50 cents each.....	\$364.00	
	Fees for recording assignments.....	910.00	
	Searches made and charged for at the rate of 50 cents for each hour of time consumed..	132.00	
	Notices of user recorded.....	63.75	
	Indexing transfers of proprietorship.....	64.70	
			1,534.45
	Total fees for fiscal year 1910-11.....		109,913.95

ENTRIES

<i>Entries</i>	Number of copyright registrations.....	114,270
	Number of renewals recorded.....	928
	Total number of entries recorded.....	115,198
	Number of certified copies of record.....	728
	Number of assignments recorded or copied.....	738

*Correspondence,
money orders, etc.*

The greater part of the business of the Copyright Office is done by correspondence. The total letters and parcels received during the fiscal year numbered 137,000, while the letters, certificates, parcels, etc., dispatched numbered 136,800. Letters received transmitting remittances numbered 42,372, including money orders to the number of 27,905. During the last 14 fiscal years the money orders received numbered 344,479.

CONDITION OF COPYRIGHT OFFICE WORK

(a) *Current work*

*Condition of cur-
rent work*

At this date (July 7, 1911) the remittances received up to the third mail of the day have been recorded. The account books of the bookkeeping division are written up and posted to June 30, and the accounts rendered to the

Treasury Department are settled up to and including the month of June, while earned fees to June 30, inclusive, have been paid into the Treasury.

All copyright applications received up to and including June 30 have been passed upon and refunds made. The total unfinished business for the full 14 years from July 1, 1897, to June 30, 1911, amounted on the latter date to \$864.44.

At the close of business on July 7, 1911, the works deposited for copyright registration up to and including June 30 had all been recorded, as well as a large part of the works received since that date.

(b) *Deposits received prior to July 1, 1897*

During the fiscal year 1910-11 about 13,000 articles received prior to July 1, 1897, were handled in the work of crediting such matter to the proper entries. Of these articles 5,265 pieces (including 2,698 pamphlets and leaflets, 1,373 periodical contributions, and 992 miscellaneous) were credited to their respective entries and were properly filed. Entries were located for about 7,000 additional articles and these were arranged by their entry numbers to facilitate later crediting. In addition, 7,271 miscellaneous articles, mostly charts, hitherto unarranged were arranged by year of entry. No entries could be found for about 650 articles. The examination of this old material becomes proportionally slow and its identification more difficult as the remaining material presents fewer clues under which search can be made for possible entries.

*Deposits prior to
July 1, 1897*

COPYRIGHT LEGISLATION AND INTERNATIONAL COPYRIGHT
RELATIONS

I. *Legislation*

Three copyright bills were introduced during the fiscal year. The first was presented by Senator Lodge on February 2, 1911, and proposes to strike out from section 15 of the copyright act of March 4, 1909, the words "except where in either case the subjects represented are located in a foreign

Copyright bills

country and illustrate a scientific work or reproduce a work of art," thus eliminating this exception to the manufacturing requirements, in the case of lithographs or photo-engravings.¹ The full text of this bill is printed as Addendum No. 1 to this report, page 129. Hon. Philip P. Campbell, of Kansas, reintroduced his bill providing for the suspension of protection when any patent or copyright was owned, used, or leased by any trust or monopoly.² The full text of this bill (reintroduced without change) was printed in the Report of the Librarian of Congress for 1909-1910, page 119. The Hon. George W. Gordon, of Tennessee, reintroduced his former bill to provide specific damages in the case of infringement of copyright,³ for the full text of which see Report of the Librarian of Congress for 1909-1910, page 120. These bills were referred to the Committees on Patents, but no further action was taken.

Attorney General's opinion Jan. 9, 1911

The opinion of the Attorney General was requested as to the correct interpretation of the copyright act of 1909, in relation to certain registrations asked for, and his replies of January 9 and May 6, 1911, are printed in full as Addendum No. 2 to this report, pages 131-140.

Treasury Department letter Apr. 6, 1911

In a letter signed by the Assistant Secretary of the Treasury, dated April 6, 1911, it is stated that the department construes section 31 (d) "to permit the importation of a copyrighted book by an individual for his own use and not for sale, when such book is copyrighted by a foreign author in the United States and is reprinted in a foreign country, but this privilege does not extend to the works of American authors copyrighted in the United States and reprinted abroad." Also that "free public libraries may import not more than 1 copy on any one invoice of any book copy-

¹ 1911 (Feb. 2). A bill to amend the act to amend and consolidate the acts respecting copyright. Presented by Mr. Lodge. S. bill No. 10612. Printed, 1 p. 4° [Referred to the Committee on Patents.]

² 1911 (Apr. 10). A bill suspending the patent and copyright laws of the United States when a patent or copyright or any article or product protected by patent or copyright is owned, used, or leased by any trust or monopoly in violation of any law in restraint of trade. Presented by Mr. Campbell. H. R. bill No. 2930. Printed, 3 pp. 4° [Referred to the Committee on Patents.]

³ 1911 (May 6). A bill to amend section 4964 of the Revised Statutes of the United States. Presented by Mr. Gordon. H. R. bill No. 8890. Printed, 2 pp. 4° [Referred to the Committee on Patents.]

righted in the United States and published abroad with the authorization of the copyright proprietor. This provision applies to all copyrighted books whether by a foreign or an American author."¹

Only two judicial decisions have been rendered thus far interpreting and construing the new copyright statute. In *Green v. Luby* (Dec. 21, 1909), the main questions considered were the meaning of the new designation "dramatico-musical composition," and the effect of an error in the classification of the work upon the validity of the copyright claimed in it.

In the second, the case of the *White-Smith Publishing Co. v. Goff* (Aug. 5, 1910), the question considered was the right of a proprietor to renewal of copyright. The judge held:

Whatever view may be taken of the statute, I am of the opinion that it fails to support the complainant's main proposition that upon the expiration of his original term a proprietor, merely by force of section 8, is entitled to a renewal thereof for a further period of 28 years. (180 Federal Reporter, p. 260.)

This judgment was affirmed on appeal (Mar. 11, 1911). These decisions are of special interest and value and are therefore printed in full as Addendum No. 3, pages 141-150.

II. *International copyright relations*

The Berlin International Copyright Convention (signed Nov. 13, 1908) went into effect on September 9, 1910, and has been ratified by the following countries: Belgium, France, Germany, Haiti, Japan, Liberia, Luxemburg, Monaco, Norway, Portugal, Spain, Switzerland, and Tunis. These countries are all members of the International Copyright Union. In addition, the following countries are also members of the Union by reason of their ratification of the former international conventions (Berne, 1886, Paris, 1896): Denmark, Great Britain, Italy, and Sweden. The United States is not a member of this union, because the manufac-

¹Since the above was written the Treasury Department has published its regulations governing the importation of copyrighted articles, which are printed as Addendum No. 6, pages 163-167.

turing requirements of our copyright statute are contrary to the principles of union.

*Protection of
music against me-
chanical reproduc-
tion*

These ratifications of the new Berlin text of the international convention are nevertheless of direct interest and practical importance to the United States because such ratification implies acceptance of article 13 of the convention, which grants to authors of musical works the exclusive right to authorize (1) the adaptation of these works to instruments serving to reproduce them mechanically, and (2) the public performance of such works by means of these instruments. Acceptance of article 13 of the Berlin convention would imply, in the case of any country with which the United States has established general copyright relations, when followed by corresponding domestic legislation, sufficient foundation for a claim that such country grants to citizens of the United States the "similar rights" specified in section 1 (e) of the copyright act of March 4, 1909, and a request for the assurance of reciprocal protection in the

*Copyright proc-
lamations*

Germany

United States. Upon this ground a proclamation by the President of the United States was issued on December 8, 1910, declaring the subjects of the German Empire entitled to all the benefits of section 1 (e) including copyright controlling the parts of instruments serving to reproduce mechanically the musical work. Similar proclamations were issued on June 14, 1911, in behalf of Belgium, Luxembourg, and Norway.

*Belgium, Lux-
emburg, Norway*

*Countries not
granting "similar
rights" to those in
section 1 (e)*

From information received through the Department of State, the legislation of the following countries did not, on the dates stated, fulfill the reciprocal conditions specified in the proviso to section 1 (e) of the act of March 4, 1909; Austria (March 10, 1911); Denmark (May 19, 1911); Mexico (May 8, 1911); the Netherlands (March 13, 1911); and Switzerland (April 8, 1911).

*Austria, Den-
mark, Mexico,
Netherlands,
Switzerland*

France

The Berlin International Copyright Convention was ratified by France on September 2, 1910, and foreign authors belonging to any nation having ratified that convention are protected in France against the unauthorized reproduction of their musical works by means of mechanical musical instruments. But as the United States is not a member of the International Copyright Union citizens of this country

fall under the provisions of the domestic law of France of May 16, 1866, which declares that the making and selling of instruments serving to mechanically reproduce musical tunes does not constitute infringement. The abrogation of this law is under consideration in France.

General reciprocal copyright relations were also established with Sweden to go into effect on June 1, 1911, by presidential proclamation issued May 26, 1911. The copyright relations with Sweden, however, do not include protection against unauthorized reproduction of music by means of mechanical musical instruments. *Sweden*

All of these proclamations are printed as Addendum No. 4, see pages 151-157.

On August 11, 1910, the eight representatives of the United States to the Fourth International Conference of ^{*Pan-American Copyright Convention, 1910*} American States (Henry White, Enoch H. Crowder, Lewis Nixon, John Bassett Moore, Bernard Moses, Lamar C. Quintero, Paul S. Reinsch, David Kinley) signed, at Buenos Aires, the "Convention concerning literary and artistic copyright." The convention was also signed by the delegates of the Argentine Republic, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Salvador, Uruguay, and Venezuela. It was sent by the President to the Senate on January 26, 1911, for advice and consent to ratification; was read the first time and referred to the Committee on Foreign Relations on the same day, and its ratification was approved by the Senate on February 15, 1911. Up to this time, however, the convention has not been ratified and proclaimed by the President. It is the most important international copyright agreement to which the United States has consented, and therefore the full text in English is printed as Addendum No. 5, pages 159-161.

Respectfully submitted

THORVALD SOLBERG

Register of Copyrights

HERBERT PUTNAM

Librarian of Congress

EXHIBIT A—Statement of gross receipts, refunds, net receipts, and fees applied for fiscal year ending June 30, 1911

	Gross cash receipts	Refunds	Net receipts	Fees applied
1910				
July.....	\$7,660.44	\$226.91	\$7,433.53	\$7,069.70
August.....	7,425.97	226.96	7,199.01	6,831.65
September.....	8,800.67	305.52	8,495.15	9,050.40
October.....	9,288.51	226.13	9,062.38	9,293.85
November.....	8,636.00	197.96	8,438.04	8,852.35
December.....	11,907.32	287.07	11,620.25	9,897.35
1911				
January.....	13,564.79	272.94	13,291.85	10,441.80
February.....	9,096.69	231.32	8,865.37	10,093.60
March.....	9,984.89	352.88	9,632.01	9,665.65
April.....	9,122.67	299.43	8,823.24	9,476.50
May.....	9,036.88	191.36	8,845.52	8,778.85
June.....	9,136.69	325.47	8,811.22	10,462.25
Total.....	113,661.52	3,143.95	110,517.57	109,913.95

Balance brought forward from June 30, 1910..... \$6,773.71

Net receipts July 1, 1910, to June 30, 1911:

Gross receipts..... \$113,661.52

Less amount refunded..... 3,143.95

110,517.57

Total to be accounted for.....

\$117,291.28

Copyright fees applied July 1, 1910, to June 30, 1911..... 109,913.95

Balance carried forward to July 1, 1911:

Trust funds..... 6,512.89

Unfinished business..... 864.44

7,377.33

117,291.28

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EXHIBIT B—Statement of fees paid into Treasury

Date	Check No	Amount	Date	Check No	Amount
1910			1911		
July 11.....	822	\$1,300.00	Jan. 9.....	853	\$1,000.00
18.....	823	2,100.00	16.....	854	2,600.00
25.....	824	1,700.00	23.....	855	3,000.00
Aug. 1.....	825	1,700.00	30.....	856	2,300.00
5.....	826	269.70	Feb. 4.....	857	1,541.80
8.....	827	800.00	6.....	858	1,000.00
15.....	828	1,300.00	13.....	859	1,700.00
22.....	829	1,400.00	20.....	860	2,900.00
29.....	830	1,500.00	27.....	861	2,900.00
Sept. 6.....	831	1,831.65	Mar. 4.....	862	1,593.60
12.....	832	2,400.00	6.....	863	1,100.00
19.....	833	2,300.00	13.....	864	2,100.00
26.....	834	2,400.00	20.....	865	2,200.00
Oct. 3.....	835	1,500.00	27.....	866	1,800.00
6.....	836	450.40	Apr. 3.....	867	2,200.00
10.....	837	1,900.00	6.....	868	265.65
17.....	838	2,300.00	10.....	869	1,500.00
24.....	839	2,000.00	17.....	870	2,600.00
31.....	840	1,900.00	24.....	871	2,400.00
Nov. 5.....	841	1,193.85	May 1.....	872	2,200.00
7.....	842	800.00	4.....	873	776.50
14.....	843	2,500.00	8.....	874	1,500.00
21.....	844	2,200.00	15.....	875	1,900.00
28.....	845	1,700.00	22.....	876	2,000.00
Dec. 5.....	846	1,652.35	29.....	877	1,700.00
6.....	847	700.00	June 5.....	878	1,678.85
12.....	848	1,800.00	12.....	879	3,700.00
19.....	849	2,700.00	19.....	880	1,500.00
27.....	850	2,100.00	26.....	881	2,200.00
1911			July 3.....	882	2,500.00
Jan. 3.....	851	1,400.00	7.....	883	562.25
7.....	852	1,197.35	Total.....		109,913.95

EXHIBIT C—Record of applied fees

Month	Number of registrations, including certificate	Fees at \$1 each	Number of registrations, photographs, no certificate	Fees at 50 cents each	Number of renewal registrations	Fees at 50 cents each	Total number of registrations	Total fees for registrations.
1910								
July.....	6,494	\$6,494.00	942	\$471.00	29	\$14.50	7,465	\$6,979.50
August.....	6,293	6,293.00	924	462.00	45	22.50	7,262	6,777.50
September...	8,414	8,414.00	1,063	531.50	37	18.50	9,514	8,964.00
October.....	8,568	8,568.00	1,092	546.00	146	73.00	9,806	9,187.00
November...	8,253	8,253.00	931	465.50	48	24.00	9,232	8,742.50
December...	9,145	9,145.00	1,170	585.00	73	36.50	10,388	9,766.50
1911								
January.....	9,421	9,421.00	1,501	750.50	174	87.00	11,096	10,258.50
February.....	9,431	9,431.00	1,007	503.50	38	19.00	10,476	9,953.50
March.....	9,056	9,056.00	788	394.00	104	52.00	9,948	9,502.00
April.....	8,695	8,695.00	1,144	572.00	77	38.50	9,916	9,305.50
May.....	8,069	8,069.00	1,054	527.00	106	53.00	9,229	8,649.00
June.....	9,722	9,722.00	1,093	546.50	51	25.50	10,866	10,294.00
Total..	101,561	101,561.00	12,709	6,354.50	928	464.00	115,198	108,379.50

Month	Copies of record	Fees at 50 cents each	Assignments and copies	Fees for assignments	Notice of user in re music	Fees for notice of user	Indexing transfer of proprietor	Fees at 10 cents each	Search fees	Total applied fees
1910										
July.....	73	\$36.50	35	\$39.00	29	\$4.00	57	\$5.70	\$5.00	\$7,069.70
August.....	28	14.00	24	35.00	18	4.75	4	.40	.00	6,831.65
September...	41	20.50	39	52.00	17	4.50	9	.90	8.50	9,050.40
October.....	97	48.50	43	46.00	28	7.25	6	.60	4.50	9,293.85
November...	52	26.00	64	75.00	14	4.25	31	3.10	1.50	8,852.35
December...	64	32.00	59	59.00	19	4.75	1	.10	35.00	9,897.35
1911										
January.....	72	36.00	74	106.00	20	5.00	168	16.80	19.50	10,441.80
February.....	78	39.00	63	82.00	17	3.50	56	5.60	10.00	10,093.60
March.....	61	30.50	100	110.00	20	2.75	29	2.90	17.50	9,665.65
April.....	73	36.50	84	120.00	23	6.00	10	1.00	7.50	9,476.50
May.....	46	23.00	56	68.00	34	8.75	141	14.10	16.00	8,778.85
June.....	43	21.50	97	118.00	16	8.25	135	13.50	7.00	10,462.25
Total..	728	364.00	738	910.00	255	63.75	647	64.70	132.00	109,913.95

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EXHIBIT D—Copyright business (monthly comparison). Annual report for the fiscal year from July 1, 1910, to June 30, 1911

[Comparative monthly statement of gross cash receipts, executed business, number of registrations, daily averages, etc.]

Month	Gross receipts			
	Monthly receipts	Monthly increase	Monthly decrease	Daily average
1910				
July.....	\$7,660.44	.....	\$1,811.51	\$306.42
August.....	7,425.97	.....	234.47	275.03
September.....	8,800.67	\$1,374.70	.....	352.02
October.....	9,288.51	487.84	.....	357.25
November.....	8,636.00	.....	652.51	345.44
December.....	11,907.32	3,271.32	.....	458.00
1911				
January.....	13,564.79	1,657.47	.....	542.59
February.....	9,096.69	.....	4,468.10	395.51
March.....	9,984.89	888.20	.....	369.81
April.....	9,122.67	.....	862.22	364.91
May.....	9,036.88	.....	85.79	347.57
June.....	9,130.67	99.81	.....	351.41
Total.....	113,661.52	.....	.....	.....

Month	Business executed			
	1910-11	Increase	Decrease	Daily average
1910				
July.....	\$7,069.70	.....	\$2,601.85	\$282.79
August.....	6,831.65	.....	238.05	253.02
September.....	9,050.40	\$2,218.75	.....	362.02
October.....	9,293.85	243.45	.....	357.45
November.....	8,852.35	.....	441.50	354.09
December.....	9,897.35	1,045.00	.....	380.67
1911				
January.....	10,441.80	544.45	.....	417.67
February.....	10,093.60	.....	348.20	438.85
March.....	9,665.65	.....	427.95	357.98
April.....	9,476.50	.....	189.15	379.06
May.....	8,778.85	.....	697.65	337.65
June.....	10,462.25	1,683.40	.....	402.40
Total.....	109,913.95	.....	.....	.....

EXHIBIT D—Copyright business (monthly comparison). Annual report for the fiscal year from July 1, 1910, to June 30, 1911—Continued

Month	Number of registrations			
	Totals	Increase	Decrease	Daily average
1910				
July.....	7,465		2,516	298
August.....	7,262		203	269
September.....	9,514	2,252		380
October.....	9,806	292		377
November.....	9,232		574	369
December.....	10,388	1,156		399
1911				
January.....	11,096	708		444
February.....	10,476		620	455
March.....	9,948		528	368
April.....	9,916		32	396
May.....	9,229		687	355
June.....	10,866	1,637		418
Total.....	115,198			

EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for 14 fiscal years 1897-98, 1898-99, 1899-1900, 1900-1901, 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9, 1909-10, 1910-11

GROSS RECEIPTS

Month	1897-98	1898-99	1899-1900	1900-1901
July.....	\$4,257.70	\$5,102.74	\$5,156.87	\$5,571.51
August.....	4,525.27	4,675.96	4,846.97	5,864.68
September.....	5,218.87	4,714.82	6,078.95	4,986.62
October.....	5,556.21	5,149.07	5,583.59	6,027.36
November.....	4,292.88	4,788.30	5,479.15	5,068.11
December.....	6,512.60	6,435.56	6,728.06	7,332.53
January.....	6,074.03	6,050.86	7,649.80	7,155.68
February.....	4,606.92	5,141.40	5,523.47	4,803.50
March.....	5,138.78	6,300.02	6,515.43	6,049.07
April.....	5,053.21	5,198.69	6,086.82	5,789.03
May.....	5,386.93	5,593.50	5,660.36	5,580.11
June.....	4,476.16	5,034.73	5,762.86	5,297.05
Total.....	61,099.56	64,185.65	71,072.33	69,525.25

EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for 14 fiscal years, etc.—Continued

GROSS RECEIPTS—Continued

Month	1901-2	1902-3	1903-4	1904-5	1905-6
July.....	\$5,382.28	\$5,429.52	\$5,380.97	\$5,540.30	\$5,779.98
August.....	4,880.60	4,504.56	4,958.30	5,770.70	6,071.25
September.....	5,295.87	5,539.67	5,658.48	6,849.35	6,405.60
October.....	5,399.03	5,651.16	6,323.42	6,704.89	6,789.36
November.....	5,019.10	5,646.93	5,303.93	6,056.79	6,310.94
December.....	7,201.64	8,005.75	8,581.60	7,699.47	7,981.03
January.....	7,604.08	8,053.81	7,502.53	8,946.60	9,321.94
February.....	4,810.59	5,360.48	6,185.14	6,029.62	6,259.18
March.....	5,899.56	6,119.54	6,567.73	7,311.90	6,965.43
April.....	5,580.14	6,005.89	5,996.58	6,806.66	6,954.68
May.....	5,762.92	5,395.02	6,540.88	6,531.99	6,814.08
June.....	5,569.27	5,821.58	6,303.27	6,192.29	6,957.45
Total.....	68,405.08	71,533.91	75,302.83	80,440.56	82,610.92

Month	1906-7	1907-8	1908-9	1909-10	1910-11
July.....	\$6,469.68	\$6,772.43	\$6,498.83	\$8,244.05	\$7,660.44
August.....	5,601.93	7,179.19	6,193.68	8,451.80	7,425.97
September.....	6,137.15	6,605.88	6,606.26	9,032.45	8,800.67
October.....	6,786.13	7,343.10	7,306.88	9,635.19	9,288.51
November.....	6,920.64	6,327.06	6,546.78	9,166.19	8,636.00
December.....	7,856.74	7,386.04	7,873.33	11,504.01	11,907.32
January.....	10,992.30	9,260.75	10,192.88	12,198.02	13,564.79
February.....	6,318.95	6,558.38	7,303.02	8,450.90	9,096.69
March.....	7,662.29	7,048.94	7,894.60	9,912.31	9,984.89
April.....	7,524.81	7,460.41	7,360.88	9,185.51	9,122.67
May.....	8,173.59	6,334.10	6,522.35	8,410.45	9,036.88
June.....	6,940.10	6,766.25	6,786.04	9,471.95	9,136.69
Total.....	87,384.31	85,042.03	87,085.53	113,662.83	113,661.52

EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for 14 fiscal years, etc.—Continued

BUSINESS EXECUTED

Month	1897-98	1898-99	1899-1900	1900-1901
July.....	\$3,769. 00	\$4,724. 50	\$4,789. 50	\$5,115. 00
August.....	4,296. 00	4,266. 50	4,709. 50	5,404. 50
September.....	4,559. 50	4,537. 50	5,357. 50	4,738. 00
October.....	4,899. 00	4,744. 00	5,317. 00	5,494. 50
November.....	4,062. 00	4,269. 50	4,810. 50	4,500. 50
December.....	5,262. 00	5,088. 50	5,183. 00	6,339. 00
January.....	6,224. 50	6,192. 50	8,000. 50	6,410. 50
February.....	4,204. 00	4,505. 50	5,032. 50	4,546. 50
March.....	4,865. 00	5,312. 50	5,871. 50	5,416. 50
April.....	4,835. 50	4,899. 00	5,535. 50	5,653. 50
May.....	4,610. 50	5,076. 00	5,229. 50	5,045. 50
June.....	4,339. 50	4,651. 00	5,369. 50	5,023. 50
Total.....	55,926. 50	58,267. 00	65,206. 00	63,687. 50

Month	1901-2	1902-3	1903-4	1904-5	1905-6
July.....	\$4,886. 50	\$4,781. 00	\$5,001. 00	\$5,553. 50	\$5,520. 50
August.....	4,837. 50	4,599. 00	5,043. 50	5,707. 50	5,734. 50
September.....	4,828. 00	5,388. 50	5,406. 00	6,431. 50	6,171. 50
October.....	5,175. 50	5,492. 50	5,945. 50	6,873. 00	6,752. 00
November.....	4,360. 00	5,242. 00	5,250. 50	5,653. 00	5,802. 00
December.....	6,176. 50	7,228. 50	7,441. 00	6,760. 00	7,458. 00
January.....	7,765. 00	8,107. 00	8,120. 50	9,432. 50	9,719. 00
February.....	4,629. 00	5,159. 00	6,001. 50	5,544. 50	6,076. 50
March.....	5,473. 50	5,993. 00	6,146. 50	7,266. 00	6,777. 50
April.....	5,271. 50	6,025. 00	5,953. 50	6,635. 00	6,610. 00
May.....	5,808. 00	5,074. 50	6,160. 00	6,014. 50	7,020. 50
June.....	5,475. 00	5,784. 50	6,159. 50	6,187. 00	6,556. 00
Total.....	64,687. 00	68,874. 50	72,629. 00	78,058. 00	80,198. 00

Month	1906-7	1907-8	1908-9	1909-10	1910-11
July.....	\$6,350. 00	\$6,509. 00	\$6,200. 50	\$4,975. 90	\$7,069. 70
August.....	5,584. 50	6,820. 00	5,875. 00	7,707. 90	6,831. 65
September.....	5,559. 00	6,682. 00	6,408. 50	8,523. 10	9,050. 40
October.....	6,865. 50	6,819. 00	7,188. 50	9,067. 50	9,293. 85
November.....	6,420. 50	6,181. 00	6,227. 50	9,584. 90	8,852. 35
December.....	7,863. 50	6,889. 00	7,657. 75	10,066. 40	9,897. 35
January.....	10,590. 00	9,247. 50	10,206. 00	9,044. 90	10,441. 80
February.....	6,190. 00	6,203. 50	6,693. 50	8,138. 80	10,093. 00
March.....	7,399. 50	6,885. 00	7,772. 50	10,146. 85	9,665. 65
April.....	7,145. 50	7,189. 50	6,852. 50	9,449. 70	9,476. 50
May.....	7,883. 50	6,186. 00	6,525. 50	8,267. 45	8,778. 85
June.....	6,833. 50	6,776. 00	6,209. 00	9,671. 55	10,462. 25
Total.....	84,685. 00	82,387. 50	83,816. 75	104,644. 95	109,913. 95

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EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for 14 fiscal years, etc.—Continued

NUMBER OF REGISTRATIONS

Month	1897-98	1898-99	1899-1900	1900-1901	1901-2	1902-3	1903-4
July.....	5,015	5,653	6,835	7,514	7,010	6,748	7,107
August.....	5,618	6,005	6,525	7,822	6,776	6,451	7,147
September...	6,106	6,188	7,571	6,685	6,684	7,132	7,605
October.....	6,368	6,316	7,627	7,901	7,305	7,771	8,289
November....	5,288	5,682	6,814	6,210	5,909	7,397	7,352
December....	7,408	7,288	7,284	9,693	9,190	10,792	10,248
January.....	9,220	9,556	12,808	9,871	12,241	12,808	12,546
February.....	5,514	6,552	7,521	6,421	6,333	7,144	8,519
March.....	6,350	7,417	8,311	7,755	7,757	8,663	8,657
April.....	6,194	6,834	8,089	8,062	7,527	7,839	8,412
May.....	6,222	6,888	7,588	6,974	8,325	6,907	8,546
June.....	5,942	6,589	7,905	7,443	7,921	8,327	8,702
Total...	75,545	80,968	94,798	92,351	92,978	97,979	103,130

Month	1904-5	1905-6	1906-7	1907-8	1908-9	1909-10	1910-11
July.....	7,778	8,241	9,023	9,594	8,985	5,106	7,465
August.....	8,059	8,337	8,142	10,004	8,190	8,124	7,262
September...	8,487	9,001	7,792	9,281	9,040	8,941	9,514
October.....	9,326	9,778	9,682	9,652	10,098	9,672	9,806
November....	8,109	8,317	9,374	8,804	8,820	9,969	9,232
December....	9,436	10,936	11,557	10,163	11,009	10,527	10,388
January.....	15,116	15,358	16,841	14,615	16,079	9,519	11,096
February.....	7,939	8,639	8,991	8,863	9,301	8,414	10,476
March.....	10,879	9,628	10,750	9,999	11,005	10,481	9,948
April.....	10,066	9,402	10,422	10,316	9,612	9,808	9,916
May.....	8,845	10,411	11,317	8,616	9,076	8,532	9,229
June.....	9,334	9,656	9,938	9,838	8,916	9,981	10,866
Total...	113,374	117,704	123,829	119,742	120,131	109,074	115,198

EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for 14 fiscal years, etc.—Continued

COMPARATIVE STATEMENT OF GROSS RECEIPTS, YEARLY FEES, AND NUMBER OF REGISTRATIONS

Year	Gross receipts	Increase	Decrease
1897-98.....	\$61,099. 56		
1898-99.....	64,185. 65	\$3,086. 09	
1899-1900.....	71,072. 33	6,886. 68	
1900-1901.....	69,525. 25		\$1,547. 08
1901-2.....	68,405. 08		1,120. 17
1902-3.....	71,533. 91	3,128. 83	
1903-4.....	75,302. 83	3,768. 92	
1904-5.....	80,440. 56	5,137. 73	
1905-6.....	82,610. 92	2,170. 36	
1906-7.....	87,384. 31	4,773. 39	
1907-8.....	85,042. 03		2,342. 28
1908-9.....	87,085. 53	2,043. 50	
1909-10.....	113,662. 83	26,577. 30	
1910-11.....	113,661. 52		1. 31
Total.....	1,131,012. 31		

Year	Yearly fees	Increase	Decrease
1897-98.....	\$55,926. 50		
1898-99.....	58,267. 00	\$2,340. 50	
1899-1900.....	65,206. 00	6,939. 00	
1900-1901.....	63,687. 50		\$1,518. 50
1901-2.....	64,687. 00	999. 50	
1902-3.....	68,874. 50	4,187. 50	
1903-4.....	72,629. 00	3,754. 50	
1904-5.....	78,058. 00	5,429. 00	
1905-6.....	80,198. 00	2,140. 00	
1906-7.....	84,685. 00	4,487. 00	
1907-8.....	82,387. 50		2,297. 50
1908-9.....	83,816. 75	1,429. 25	
1909-10.....	104,644. 95	20,828. 20	
1910-11.....	109,913. 95	5,269. 00	
Total.....	1,072,981. 65		

Register of Copyrights

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EXHIBIT E—Statement of gross cash receipts, business executed, number of registrations, etc., for 14 fiscal years, etc.—Continued

COMPARATIVE STATEMENT OF GROSS RECEIPTS, YEARLY FEES, AND NUMBER OF REGISTRATIONS—Continued

Year	Number of registrations	Increase	Decrease
1897-98.....	75,545		
1898-99.....	80,968	5,423	
1899-1900.....	94,798	13,830	
1900-1901.....	92,351		2,447
1901-2.....	92,978	627	
1902-3.....	97,979	5,001	
1903-4.....	103,130	5,151	
1904-5.....	113,374	10,244	
1905-6.....	117,704	4,330	
1906-7.....	123,829	6,125	
1907-8.....	119,742		4,087
1908-9.....	120,131	389	
1909-10.....	109,074		11,057
1910-11.....	115,198	6,124	
Total.....	1,456,801		

EXHIBIT F—Table of registrations made during fiscal years 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9, 1909-10, and 1910-11, arranged by classes

	1901-2	1902-3	1903-4	1904-5
Class A. Books:				
(a) Books (vols.) and pamphlets.....	8,399	10,589	15,870	16,037
(b) Booklets, leaflets, circulars, cards....	9,174	7,827	3,361	3,366
(c) Newspaper and magazine articles....	6,699	8,050	8,593	10,457
Total.....	24,272	26,466	27,824	29,860
Class B. Periodicals (numbers).....	21,071	22,625	21,496	22,591
Class C. Musical compositions.....	19,706	21,161	23,110	24,595
Class D. Dramatic compositions.....	1,448	1,608	1,571	1,645
Class E. Maps and charts.....	1,708	1,792	1,767	1,831
Class F. Engravings, cuts, and prints.....	5,999	5,546	6,510	11,303
Class G. Chromos and lithographs.....	2,010	2,232	2,384	2,581
Class H. Photographs.....	13,923	13,519	14,534	15,139
Class I. Fine arts: Paintings, drawings, and sculpture.....	2,841	3,030	3,934	3,829
Grand total.....	92,978	97,979	103,130	113,374

EXHIBIT F—Table of registrations made during fiscal years 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9, 1909-10, and 1910-11, arranged by classes—Continued

	1905-6	1906-7	1907-8	1908-9
Class A. Books:				
(a) Books (vols.) and pamphlets.....	15,504	16,651	.....	.....
(b) Booklets, leaflets, circulars, cards....	4,567	5,195	.....	.....
(c) Newspaper and magazine articles....	9,190	9,033	.....	.....
Total.....	29,261	30,879	30,191	32,533
Class B. Periodicals (numbers).....	23,163	23,078	22,409	21,195
Class C. Musical compositions.....	26,435	31,401	28,427	26,306
Class D. Dramatic compositions.....	1,879	2,114	2,382	2,937
Class E. Maps and charts.....	1,672	1,578	2,150	1,949
Class F. Engravings, cuts, and prints.....	10,946	12,350	10,863	11,474
Class G. Chromos and lithographs.....	3,471	2,733	2,734	2,899
Class H. Photographs.....	17,269	15,836	16,704	16,764
Class I. Fine arts: Paintings, drawings, and sculpture.....	3,608	3,860	3,882	4,074
Grand total.....	117,704	123,829	119,742	120,131

	1909-10	1910-11
Class A. Books (including pamphlets, leaflets, and contributions to periodicals):		
(a) Printed in the United States.....	23,115	24,840
(b) Printed abroad in a foreign language.....	1,351	1,707
(c) English books registered for ad interim copyright.....	274	423
Total.....	24,740	26,970
Class B. Periodicals (numbers).....	21,608	23,393
Class C. Lectures, sermons, addresses.....	117	102
Class D. Dramatic or dramatico-musical compositions.....	3,911	3,415
Class E. Musical compositions.....	24,345	25,525
Class F. Maps.....	2,622	2,318
Class G. Works of art; models or designs.....	4,383	3,355
Class H. Reproductions of works of art.....	751	222
Class I. Drawings or plastic works of a scientific or technical character.....	317	232
Class J. Photographs.....	13,348	14,469
Class K. Prints and pictorial illustrations.....	11,925	14,269
Renewals.....	1,007	928
Total.....	109,074	115,198

EXHIBIT G—Table of articles deposited during 12 fiscal years, 1897-98, 1898-99, 1899-1900, 1900-1901, 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9

	1897-98	1898-99	1899-1900	1900-1901	1901-2
1. Books:					
(a) Books proper.....	5,575	5,834	6,550	7,746	7,027
(b) Volumes, circulars, leaflets, etc..	4,698	4,196	5,073	5,770	6,259
(c) Newspaper and magazine articles.	3,262	5,185	8,851	9,010	5,577
2. Dramatic compositions.....	391	507	561	634	815
3. Periodicals (numbers).....	13,726	9,777	14,147	17,702	19,573
4. Musical compositions.....	17,217	19,976	16,505	16,709	21,295
5. Maps and charts.....	1,296	1,478	1,353	1,718	1,566
6. Engravings, cuts, and prints.....	2,912	3,505	3,503	5,687	5,636
7. Chromos and lithographs.....	747	1,050	1,257	1,817	1,757
8. Photographs.....	5,777	7,695	12,115	13,064	13,884
9a. Miscellaneous (unclassified articles)....	375	14			
	55,976	59,217	69,915	79,857	83,389
Two copies of each article were received.	111,952	118,434	139,830	159,714	166,778
9. Photographs with titles of works of art for identification, one copy each.....	853	1,709	1,614	2,569	2,948
Grand total.....	112,805	120,143	141,444	162,283	169,726

	1902-3	1903-4	1904-5	1905-6
1. Books:				
(a) Books proper.....	9,222	12,967	13,389	12,893
(b) Volumes, circulars, leaflets, etc..	5,255	3,084	2,910	3,602
(c) Newspaper and magazine articles.	7,097	7,883	9,081	7,833
2. Dramatic compositions.....	986	1,098	1,224	1,380
3. Periodicals (numbers).....	21,498	20,320	23,457	22,116
4. Musical compositions.....	19,801	21,203	22,984	24,801
5. Maps and charts.....	1,801	1,547	1,817	1,708
6. Engravings, cuts, and prints.....	5,830	5,938	10,460	10,239
7. Chromos and lithographs.....	2,006	2,167	2,443	3,039
8. Photographs.....	13,790	14,258	13,954	16,210
	87,286	90,465	101,719	103,821
Two copies of each article were received..	174,572	180,930	203,438	207,642
9. Photographs with titles of works of art for identification, one copy each.....	2,947	3,869	3,986	3,496
Grand total.....	177,519	184,799	207,424	211,138

EXHIBIT G—Table of articles deposited during 12 fiscal years, 1897-98, 1898-99, 1899-1900, 1900-1901, 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9—Continued

	1906-7	1907-8	1908-9	Total
1. Books:				
(a) Books proper.....	12,992	25,363	27,425	265,352
(b) Volumes, circulars, leaflets, etc....	5,340			
(c) Newspaper and magazine articles.....	8,403			
2. Dramatic compositions.....	1,568	1,904	2,226	13,294
3. Periodicals (numbers).....	23,554	21,378	22,288	229,536
4. Musical compositions.....	27,308	27,673	23,969	259,441
5. Maps and charts.....	1,572	2,082	1,848	19,786
6. Engravings, cuts, and prints.....	11,233	11,125	10,137	86,205
7. Chromos and lithographs.....	2,589	2,682	2,802	24,356
8. Photographs.....	16,672	16,306	15,650	159,375
9a. Miscellaneous (unclassified articles).....				389
	111,231	108,513	106,345	1,057,734
Two copies of each article were received..	222,462	217,026	212,690	2,115,468
Foreign books received under act of Mar. 3, 1905.....	585	796	1,146	2,527
9. Photographs with titles of works of art for identification, one copy each.....	4,000	3,900	4,033	35,924
Grand total.....	227,047	221,722	217,869	2,153,919

EXHIBIT G—Table of articles deposited during 1909-10 and 1910-11, with total deposits in each class for 14 fiscal years, 1897-98, 1898-99, 1899-1900, 1900-1901, 1901-2, 1902-3, 1903-4, 1904-5, 1905-6, 1906-7, 1907-8, 1908-9, 1909-10, and 1910-11

	1909-10	1910-11	Total
1. Books:			
(a) Printed in the United States:			
Volumes.....	15,682	17,997	
Pamphlets, leaflets, etc.....		21,565	
Contributions to newspapers and periodicals.....	30,150	5,709	
	45,832	45,271	
(b) Printed abroad in a foreign language.			
English works registered for ad interim copyright.....	2,920	3,181	
	275	635	
	49,027	49,087	628,818
2. Periodicals.....	49,156	46,780	555,008
3. Lectures, sermons, etc.....	117	102	219
4. Dramatic or dramatico-musical compositions.....	5,554	4,165	36,307
5. Musical compositions.....	54,426	50,225	623,533
6. Maps.....	5,244	4,648	49,464
7. Works of art; models or designs.....	4,383	3,365	43,672
8. Reproductions of works of art.....	1,502	456	1,958
8a. Chromos and lithographs.....			48,712
9. Drawings or plastic works of a scientific or technical character.....	317	237	554
10. Photographs.....	27,796	25,083	371,629
11. Prints and pictorial illustrations.....	21,502	25,079	218,991
12. Miscellaneous (unclassified articles).....			778
13. Foreign books received under Act of Mar. 3, 1905.....			2,527
Total.....	219,024	209,227	2,582,170

Addendum No. 1

COPYRIGHT BILL INTRODUCED, SIXTY-FIRST CONGRESS, THIRD SESSION, 1911

[S. 10612. In the Senate of the United States. February 2, 1911.]

Mr. LODGE introduced the following bill; which was read twice and referred to the Committee on Patents.

A BILL, To amend the act to amend and consolidate the acts respecting copyright.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act (Public, Numbered Three hundred and forty-nine, approved March fourth, nineteen hundred and nine) to amend and consolidate the acts respecting copyright, be amended as follows:

On page 5, line 12, after the word "photo-engraving," strike out all down to and including the word "art," on line fourteen.

Addendum No. 2

OPINIONS OF THE ATTORNEY GENERAL—COPYRIGHT ACT OF MARCH 4, 1909

CONTENTS

- No. 1, January 9, 1911, Entry of "painting" under section 5 (g).
No. 2, May 6, 1911, Rights acquired by alien authors.
No. 3, Letter of Librarian of Congress of March 3, 1911.
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COPYRIGHT LAW—REGISTRATION OF LITHOGRAPHS OF WORKS OF ART LOCATED ABROAD

The register of copyrights has authority to enter a claim in a painting which is made merely as a first step in the production of a lithograph as a "work of art" within the meaning of section 11 of the copyright law of March 4, 1909 (35 Stat., 1078), provided the painting itself is a work of art.

The register of copyrights has the authority to enter a claim to copyright in a published lithograph, not made within the United States, where the design, drawing, or painting which forms the first step in the production of such lithograph, has been made for the purpose of being converted into a lithograph and is located in a foreign country, provided the design, drawing, or painting with reference to which the application is made is a work of art.

The meaning of the term "work of art" and its application to a particular design, drawing, or painting, etc., under section 11 of the act of March 4, 1909 (35 Stat., 1078), does not present a question of law, but one of fact, to be determined in each instance by the register of copyrights.

DEPARTMENT OF JUSTICE

January 9, 1911

SIR: I have the honor to acknowledge receipt of your communication of December 30, 1910, in which you, at the instance of the register of copyrights, submit to me the following statement of facts:

On September 17, 1910, J. Bauman submitted a number of applications for the entry of "paintings" under paragraph (g), section 5, of the act of March 4, 1909 (35 Stat., 1075, ch. 320), which relates to "works of art; models or designs for works of art." The identifying copies deposited with these applications consisted of chromolithographs, all of which were in the nature of birthday, Christmas, or valentine cards, and bore the notice "Copyright 1910 by J. Bauman," apparently added with a stamp after the lithograph had been completed. On September 24, 1910, an additional number of applications, executed in the same form, and each accompanied by a chromolithograph as an

identifying copy, of the same general nature as those first sent, except lacking the copyright notice, were received. In both cases the applicant was informed that the lithographs for which registration was sought were obviously intended for publication, and that, therefore, the proper procedure would be to register the copyright claims therein after publication under paragraph (k) of said act, which relates to "prints and pictorial illustrations."

On October 3, 1910, 18 additional applications for the entry of claims in similar lithographs were received from Mr. Bauman, with the request that they be entered in Class K, it being stated that they were lithographic prints produced in the United States; and they were registered, and certificates of entry were sent to the applicant.

On December 12, 1910, a number of applications were received, each for the entry of a copyright claim of a "painting located in England," the identifying copy in each case consisting of the photograph of a picture showing the shape and size of the customary Christmas card, and the designs on the cards are of the usual kind, not differing in general style from those in the lithographs described above.

The register of copyrights further states that the circumstances strongly tend to show that the alleged "paintings" sought to be registered under date of December 12, 1910, are intended to be reproduced as chromolithographs and placed on the market as birthday cards and the like, and are not independent works of art, but the first necessary step in the production of the lithographs, and, further, that the purpose of seeking their registration is to give support to a contention that such lithographs are not required to be manufactured "by a process wholly performed within the limits of the United States," as provided in section 15 of the copyright act, because they fall within the provision excepting lithographs of subjects which are "located in a foreign country and illustrate a scientific work or reproduce a work of art."

And my opinion is requested upon the following questions:

1. Whether the register of copyrights has authority to enter a claim in a painting made merely as a first step in the production of a lithograph, as a "work of art" within the meaning of section 11 of the copyright act?

2. Whether the register of copyrights has authority to enter a claim to copyright in a published lithograph, not made within the United States, where the design, drawing, or painting, which forms the first step in the production of such lithograph, has been made for the purpose of being converted into a lithograph, and is located in a foreign country?

My answer to these abstract questions may be found in an opinion transmitted to you for the guidance of the register of copyrights, on January 27, 1910 (28 Op. A. G., 150, 157). I there construed that provision of the manufacturing clause of the copyright act which excepts separate lithographs and photo-engravings "where in either case the

subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art;" and held that where the painting was properly classified as a work of art and was located in a foreign country, lithographs thereof fell within the exception. And, as to the probable effect of such holding, I said:

It has been suggested that if it be held that lithographs and photo-engravings of all works of art located in a foreign country may be made abroad, the purpose of the law to protect American workmen might be evaded by carrying works of art from this country into a foreign country and there having them lithographed, and also by having paintings made in a foreign country for the purpose of lithographing. Whether or not Congress had such grounds of objection in mind when this act was passed, does not appear from its language; and I am not now called upon to determine whether a painting carried from this country into a foreign country for the purpose of evading the spirit of the law and in fraud of the law would be considered as located in a foreign country in the sense of the statute; but there is certainly nothing in the act to indicate that Congress intended to make any distinction between works of art based upon the purposes for which they are created. If Congress had not intended to embrace in the exception paintings created in a foreign country for the purpose of lithographing or photo-engraving, it could easily have expressed such intent; and since it failed to do so by the use of any language from which such a restriction may be implied, it is not within the province of a judicial officer called upon to interpret this statute to read into the act a provision of such a vital character.

I think it quite likely that if the attention of Congress had been directed to the fact that the manufacturing clause of the act could be to a material extent evaded in the manner suggested, the phrase "a work of art," as used therein, would have been modified in such a way as to prevent such evasion; but the effect is the same whether the omission was intentional or by oversight, as Congress alone has the power to so modify the language as to justify the construction which it is thought this exception should have in the interest of American labor.

However, the facts there under consideration were materially different from those here presented. There the original paintings had already been registered by the register of copyrights as "works of art," and I therefore said: "Since the paintings are located in a foreign country, these cards fall within the exception, provided the paintings are 'works of art', and since they have been copyrighted as such, and possess artistic beauty, I know of no reason why they should not be so considered."

But it was not intended there to define the term "a work of art," or to decide whether the paintings in question fell within its meaning as the paintings had already been registered as works of art, and no such question was propounded to me, the real matter submitted being the construction of this clause of the manufacturing provision of the statute. Furthermore, the meaning of this expression, and its application to a particular work, does not present a question of law, but one of fact, and is not, therefore, one for decision by me. The phrase ap-

appears to be a new one in the copyright statutes, and experts would doubtless often differ as to its application; and the register of copyrights must, therefore, when application for registration is made, determine for himself the question whether the work presented is one of art, but in so doing he can not, of course, act arbitrarily and without good reason.

I therefore answer both questions propounded in the affirmative, provided the painting with reference to which the application is made is "a work of art"; but whether or not it is such a work is a question for the register of copyrights.

Very respectfully

J. A. FOWLER
Assistant Attorney General

Approved:

GEORGE W. WICKERSHAM
Attorney General

The PRESIDENT

[*"Official Opinions of the Attorneys General of the United States,"* vol. 28, pp. 557-561.]

COPYRIGHT LAW—RIGHTS OF ALIEN AUTHORS AND COMPOSERS

The provision at the end of section 8 of the copyright act of March 4, 1909 (35 Stat., 1077), which requires the President to determine by proclamation the existence of the reciprocal conditions upon which alien authors and composers may acquire the general privileges under said act, applies equally to the reciprocal condition specified in the proviso to section 1 (e) of that act, upon which an alien may acquire the right of controlling the parts of instruments serving to reproduce mechanically a musical work.

Where a German citizen has complied with all the general provisions of the copyright act at any time subsequent to July 1, 1909, the date upon which the act became effective, there was vested in him the rights and privileges set forth in said act, except the right specified in section 1 (e), as Germany had at that time complied with one or more of the conditions enumerated in section 8, subsection (b).

A German citizen who has strictly complied with the provisions of the copyright act at any time between July 1, 1909, the date upon which the law became effective, and April 9, 1910, the date of the proclamation of the President declaring that the citizens of Germany were entitled to the general privileges of that act, is not only vested with a copyright in his work or composition, but he may maintain an action for any infringement which occurred between said dates.

With reference to an infringement of the particular right specified in the proviso to section 1 (e) between September 9, 1910, and December 8, 1910, the same principle must apply; but as the proclamation of the President does not recite that this condition had been met prior to the date of the proclamation it would not afford evidence sufficient to sustain an action for infringement between said dates.

A German citizen could not acquire the right specified in the proviso to section 1 (e) of said act prior to September 9, 1910, the date upon which the reciprocal condition provided for therein was complied with by Germany.

DEPARTMENT OF JUSTICE

May 6, 1911

SIR: I have the honor to acknowledge receipt of your communication of March 3, 1911, in which you propound a number of questions relating to the rights that may be acquired by alien authors and composers

under the copyright law of March 4, 1909 (35 Stat., 1075). While some of these questions are entirely abstract, yet I think that answers to them all will appear from the conclusions reached with reference to the rights of citizens of Germany, whose copyright laws and the proclamations of the President relating thereto, are as follows:

The laws of the German Government have complied with one of the reciprocal conditions mentioned in section 8, subsection (b) of the copyright act ever since that act went into effect on July 1, 1909, and that country was among those included in the proclamation of the President made April 9, 1910, which declared that the citizens of the countries mentioned therein were entitled to the privileges of the copyright law as of July 1, 1909. However, the reciprocal condition as to music, provided in section 1 (e), was not complied with by Germany until September 9, 1910, and the proclamation of the President declaring that this condition had been met, was issued December 8, 1910. This proclamation recited that satisfactory official assurance had been given that Germany "now permits to citizens of the United States similar rights to those accorded in section 1 (e) of the act of March 4, 1909," but did not mention the date upon which such similar rights were granted.

The questions presented by this state of facts are:

1. Is it the duty of the President to determine by proclamation the existence of the reciprocal condition specified in the proviso of section 1 (e).

2. What rights, if any, could a German citizen, who was a nonresident of the United States, acquire under the general provisions of the copyright law between July 1, 1909, the date upon which the copyright act of March 4, 1909, became effective, and April 9, 1910, the date of the proclamation of the President declaring that the citizens of Germany were entitled to the general privileges of that act?

3. What rights, if any, could such German citizen acquire under the special provision in section 1 (e) between September 9, 1910, the date upon which the reciprocal condition provided for therein was complied with by Germany, and December 8, 1910, the date of the proclamation issued by the President declaring such fact? and

4. Could a citizen of Germany acquire the right specified in the proviso to section 1 (e) prior to September 9, 1910?

The general provisions of the act relating to the privileges of alien authors and composers to secure copyrights of their works in the United States are contained in section 8 of the act, which reads as follows:

That the author or proprietor of any work made the subject of copyright by this act, or his executors, administrators, or assigns, shall have copyright for such work under the conditions and for the terms specified in this act: *Provided, however,* That the copyright secured by this act shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation only.

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this act or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright by the terms of which agreement the United States may, at its pleasure, become a party thereto.

The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this act may require.

The first section of the act provides that:

Any person entitled thereto, upon complying with the provisions of this act, shall have the exclusive right:

* * * * *

(e) To perform the copyrighted work publicly for profit if it be a musical composition and for the purpose of public performance for profit; and for the purposes set forth in subsection (a) hereof, to make any arrangement or setting of it or of the melody of it in any system of notation or any form of record in which the thought of an author may be recorded and from which it may be read or reproduced: *Provided*, That the provisions of this act, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work shall include only compositions published and copyrighted after this act goes into effect, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights.

Does the provision at the end of section 8, requiring the President to determine the "reciprocal conditions aforesaid," by proclamation, apply to the restriction upon aliens contained in section 1 (e)?

This presents another of the many difficult questions of construction which have arisen in the enforcement of this act. It must be conceded that this provision is remote from section 1 (e), that it relates directly to the preceding provisions in section 8, and that it contains nothing which *necessarily* requires its extension to the condition expressed in section 1 (e). However, here, as in every question of statutory construction, it is necessary to consider all parts of the act relating to the subject under consideration, and to determine therefrom as nearly as possible the legislative intent. That there is a close relationship in the subject matter of section 1 (e) and of the proviso to section 8 is apparent. The latter relates to the conditions upon which an alien may acquire the general privileges under the act, while the former specifies a particular condition upon which an alien may acquire the right of controlling the parts of instruments serving to reproduce mechanically a musical work. This condition is in a way dependent upon the conditions set forth in section 8, inasmuch as it may be complied with, and yet the right to control the parts of the instruments mentioned could not be acquired unless some one of the conditions prescribed in the latter section is also

met; that is, the condition relating to this particular matter is added to those set forth in section 8. It is reciprocal in its nature, just as those in Class B of section 8 are reciprocal. Every reason which prompted the insertion of the clause in section 8 relating to the proclamation by the President, applies equally to the proviso in section 1 (e). Without the specification of some method by which it may be determined whether the laws of a foreign country comply with this particular condition, the general public could possess no adequate knowledge as to whether a copyright of a musical composition carried with it the protection of the right declared therein, and the proof of such right in actions for infringement would often be uncertain and difficult to obtain.

There can be but little doubt that Congress intended that the requirement that the existence of "the reciprocal conditions aforesaid" shall be determined by the President of the United States, should apply to the reciprocal requirements specified in section 1 (e), and that it was not there expressed because it was assumed that the language of the concluding clause of section 8 implied that all reciprocal conditions upon which the right of foreign authors or composers depend should be determined and proclaimed by the President.

I hold, therefore, that it is the duty of the President to determine and proclaim what foreign countries grant to the citizens of the United States rights similar to those specified in the provisions of section 1 (e).

The remaining questions may be discussed and determined together.

In an opinion transmitted to you from this department on March 19, 1910 (28 Op. A. G., 222, 226), with reference to whether a proclamation of the President issued under section 8 of this statute might be made retroactive, it was said:

It will be observed that the determination of the specified conditions of the foreign laws and the proclamation of the President made with reference thereto does not *create* the right of foreign authors and proprietors to enjoy the rights and privileges of our copyright laws, but that such proclamation is only the *evidence* of the existence of the conditions under which those rights and privileges may be exercised. It is true that the absence of such proclamation is conclusive evidence that such rights do not exist, while, on the other hand, the proclamation is conclusive evidence that they do exist; but, nevertheless, the proclamation is not a condition precedent to the existence of the rights themselves. Therefore, there is no reason why such proclamation may not be retroactive in its effect; and consequently if a proclamation were made showing the determination of fact by the President that either of the conditions required in the statute have been complied with since a specified date, such proclamation would be conclusive evidence of that fact, and the citizens or subjects of such country would be entitled to avail themselves of our copyright laws from the date mentioned in the proclamation.

Another careful consideration of the provisions of the act relating to this subject but confirms in my mind the view there expressed.

Germany having complied with one or more of the conditions set forth in section 8, subsection (b) on or before July 1, 1909, at any time thereafter and independent of the President's proclamation, a

German citizen could acquire the rights declared by the act of March 4, 1909, by a compliance with its terms. It is true that, in the absence of the President's proclamation, he could not obtain a registration of his claim to copyright; but under this statute registration is not a necessary prerequisite to the existence of the rights and privileges of copyright, as they are vested by a compliance with the conditions of the statute by the author or composer.

Hence I am of the opinion that where a German citizen complied with all the general provisions of the act at any time after July 1, 1909, there was vested in him the rights and privileges set forth in the act, except the right specified in 1 (e), which will be hereinafter considered.

An important question, however, is whether, after the issuance of the proclamation on April 9, 1910, he acquired any remedy for an infringement upon his copyright between the dates mentioned. As above said, there can be no doubt that prior to the proclamation no action could be maintained for an infringement, because of the absence of the essential evidence to sustain such action. But it does not follow that when the evidence became available it could not be used to maintain an action brought to enforce a right which had previously existed. For illustration, it is familiar law that a deed, though inadmissible for the want of registration, may yet be registered and introduced as evidence to sustain an action brought before its registration.

A more difficult question, however, is whether an infringer would have an equitable defense to an action for infringement between the dates mentioned, on the ground that he did not possess at the time of the infringement any legitimate notice of the existence of the copyright.

Section 9 of the act requires that notice shall be affixed to each copy of the work or composition published, and prescribes precisely the character of such notice. The existence of this notice upon each copy certainly informs every person examining the same that the author or composer claims a right to a copyright therein, which embraces the claim that the country of which he is a citizen has complied with one or more of the reciprocal conditions specified in the law. Therefore, after such claim is made and notice thereof is given, it is not inequitable that anyone who shall undertake thereafter to infringe upon the rights of such author or composer shall be required to do so at his own risk. It is practically impossible for the President to be informed whether the conditions required by the act have been complied with on the very day upon which the compliance is had. It must require some time, and often a considerable time, for the information to be transmitted through the proper channels and for the proclamation relating thereto to be prepared and published. Hence, when a copyright is claimed by an alien author or composer in strict accord with the provisions of the statute, every one must be aware of the fact that the absence of the proclamation is not conclusive evidence that the reciprocal conditions have not been complied with by the country of such alien, and any infringement in the meantime is made

subject to the knowledge that the President may determine by proclamation thereafter issued that compliance was had prior to the infringement.

I am of the opinion, therefore, that if a German citizen strictly complied with the provisions of the act at any time between July 1, 1909, and April 9, 1910, he is not only vested with a copyright in his work or composition, but that he may maintain an action for any infringement which occurred between said dates.

With reference to an infringement of the particular right specified in the proviso of section 1 (e) between September 9, 1910, and December 8, 1910, the same principle must apply; but it will be observed that the proclamation of the President does not recite that this condition had been met prior to the date of the proclamation; and, therefore, the proclamation would not afford evidence sufficient for the maintenance of an action for infringement between said dates. It is apparent, therefore, that when a proclamation is issued by the President, the precise date upon which the foreign country brought itself within the conditions of the act should be stated.

With reference to the fourth question, it is clear that the right specified in the proviso to section 1 (e) could not be acquired by any German citizen prior to September 9, 1910.

The reciprocal condition therein provided was a necessary prerequisite to the acquiring of the right mentioned. Previous to that date the condition of the German citizen, in so far as the particular right was concerned, was precisely the same as if the act did not exist.

Respectfully

J. A. FOWLER
Assistant Attorney General

Approved:

GEO. W. WICKERSHAM
Attorney General

The SECRETARY OF STATE

[“Official Opinions of the Attorneys General of the United States,” vol. 29, pp. 64-72.]

[NOTE.—This opinion was in response to the letter of inquiry of the Librarian of Congress, of March 3, 1911, the full text of which is as follows:]

LETTER OF LIBRARIAN OF CONGRESS

MARCH 3, 1911

SIR: In connection with the extension of the benefits of section 1 (e) of the copyright act of March 4, 1909, to citizens of foreign countries, there arise certain questions as to which the Copyright Office thinks that the opinion of the Department of Justice should be sought.

1. Although section 1 (e) does not stipulate that the reciprocal conditions therein set forth shall be “determined” by proclamation, it has been assumed that they must be. Is this assumption correct?

2. If so, it is assumed that the protection accorded (in the case of musical compositions against reproduction by mechanical means) becomes effective only from the date of such proclamation; that is to say, that the remedy against an infringement is not available until then. Is this assumption correct?

3. If so, may the protection be claimed only for musical compositions published and copyrighted after that date?

4. If it may be claimed upon any compositions published and copyrighted prior to that date, upon what such?

There may be these situations:

a. The foreign country was among those included in the proclamation of April 9, 1910, which (excepting sec. 1 (e) of the act) declared its general benefits to the citizens of those countries as of July 1, 1909.

b. The foreign country has become a general beneficiary under our copyright laws by treaty, convention, agreement, or law since July 1, 1909, or since April 9, 1910.

c. The reciprocal privileges (as to music) stipulated in section 1 (e) had been granted by the foreign country to citizens of the United States either (1) prior to July 1, 1909; or (2) between July 1, 1909, and April 9, 1910; or (3) subsequent to April 9, 1910, but prior to the date of the particular proclamation extending, declaring, or confirming the benefits of section 1 (e).

(A possible example of this latter, under which a question has already arisen, is Germany. Germany was among the countries included in the proclamation of April 9, 1910, the citizens of which become, or were declared by that proclamation, entitled to the general privileges of the act as of July 1, 1909. But the reciprocal conditions as to music stipulated by section 1 (e) came into being in Germany only on September 9, 1910. The proclamation declaring the stipulation under this section to be satisfied in the case of Germany was issued on December 8, 1910. Assuming that the citizens of Germany could not on December 9 claim damages for infringements committed prior to December 8, 1910, may he (as against any subsequent expropriations) claim protection for compositions published and copyrighted between September 9 and December 8? Or may he go further still and claim such protection upon compositions published and copyrighted as far back as July 1, 1909, when the act in general "took effect?")

5. If it should be held that the protection extends retroactively to compositions published and copyrighted prior to the date of the particular proclamation covering section 1 (e) should not the proclamation itself specify that it does so, and to what prior date? And in order that it may do so should not the inquiry that has been issued invite specifications which will make clearly to appear the exact date at which it is claimed that the "similar rights" have been accorded in the foreign country to citizens of the United States?

Very respectfully

HERBERT PUTNAM

Librarian of Congress

To the Honorable the SECRETARY OF STATE

Washington

Addendum No. 3

JUDICIAL DECISIONS CONSTRUING THE COPYRIGHT ACT OF MARCH 4, 1909

No. 1. *Green et al. vs. Luby*. December 21, 1909.

No. 2. *White-Smith Pub. Co. vs. Goff et al.* March 1, 1911.

1. COPYRIGHTS (SEC. 7)—SUBJECTS—CLASSIFICATION—DRAMATICO-MUSICAL COMPOSITION."

A sketch, consisting of a series of recitations and songs, with a very little dialogue and action, and with scenery, and lights thrown upon the singer, is a dramatico-musical composition, within the provisions of the copyright law.

2. COPYRIGHTS (SEC. 7)—VALIDITY—CLASSIFICATION.

Under copyright law (act Mar. 4, 1909, chap. 320, 35 Stat., 1076 [U. S. Comp. St. Supp. 1909, p. 1291]) section 5, providing that an error in classification shall not invalidate a copyright, the classification of a dramatico-musical composition as a dramatic composition does not affect the validity of the copyright.

3. COPYRIGHTS (SEC. 42)—NATURE—RIGHTS ACQUIRED.

Under copyright law (act Mar. 4, 1909, chap. 320, 35 Stat., 1075 [U. S. Comp. St. Supp. 1909, p. 1289]) section 1, Subdivision D, giving the holder of a copyright the exclusive right to perform or represent the copyrighted work publicly if a drama, and Subdivision E, giving the exclusive right to perform the copyrighted work publicly for profit if it be a musical composition, the holder of the copyright of a song constituting a part of a dramatic sketch, and those claiming under him, have the exclusive right to publicly present it.

4. COPYRIGHTS (SEC. 66)—INFRINGEMENT—WHAT CONSTITUTES.

Where one sings an entire copyrighted song with musical accompaniment, she is guilty of infringement, though she purports merely to mimic another.

In equity. Suit by Irene Franklin Green and others against Edna Luby. Heard on motion for temporary injunction. Granted.

Nathan Burkan, for complainants.

Max D. Josephson, for defendant.

NOYES, circuit judge. This is an application for a preliminary injunction to restrain the defendant from publicly singing an alleged copyrighted song entitled "I'm a Bringing up the Family," which song, it is alleged, was written as a number or part of a copyrighted dramatic sketch entitled "The Queen of the Vaudeville."

The defendant contends, in the first place, that the sketch "The Queen of the Vaudeville" is a musical composition, and not a dramatic composition, within the meaning of the copyright law of 1909 (act Mar. 4, 1909, chap. 320, 35 Stat., 1075 [U. S. Comp. St. Supp. 1909, p. 1289]). There is much force in this contention. The work is essentially a series of recitations and songs to be recited or sung by the same person dressed in different costumes. The action and dialogue in addition thereto are hardly sufficient to make a dramatic composition.

Still the work is something more than a mere musical composition. The singer dresses in costumes to represent the different characters. There is very little dialogue or "patter," the latter being, apparently, the professional term. There is also a very little action. The singer gets out of a cradle. There is scenery, and lights are thrown upon the singer. I think the sketch may fairly be classified as a "dramatico-musical composition" within the meaning of the copyright act.

But the fact that the sketch was improperly classified as a dramatic composition in taking out the copyright would not affect its validity. The copyright law expressly provides (sec. 5) that an error in classification shall not invalidate or impair a copyright. Moreover, the particular song in question—a number of the sketch—was copyrighted by the complainant Feist as a musical composition before the copyright of the sketch, and I do not understand that any question is raised as to the validity of such copyright.

Regarding, then, the sketch as a dramatic composition, the complainants have the exclusive right to publicly present it. Subdivision D of section 1 of the copyright law gives the exclusive right "to perform or represent the copyrighted work publicly if a drama." And, regarding the song as a musical composition, the complainants have the exclusive right to publicly perform it. Subdivision E of said section gives the exclusive right "to perform the copyrighted work publicly for profit, if it be a musical composition." It is not disputed that the complainants Green have the right to produce the song under the copyright to the complainant Feist.

The next question is one of infringement. The defendant admits that she sings the copyrighted song with musical accompaniment, but she says that she does so merely to mimic the complainant, Irene Franklin Green. She contends that she gives impersonations of various singers, including said complainant, and, as incidental to such impersonations, sings the songs they are accustomed to sing. The mimicry is said to be the important thing; the particular song, the mere incident. But I am not satisfied that, in order to imitate a singer, it is necessary to sing the whole of a copyrighted song. "The mannerisms of the artist impersonated," to use the language of the defendant's brief, may be shown without words; and if some words are absolutely necessary, still a whole song is hardly required; and if a whole song is required, it is not too much to say that the imitator should select for impersonation a singer singing something else than a copyrighted song.

Bloom v. Nixon (C. C.) 125 Fed., 977, is distinguishable in that in that case the chorus only of the copyrighted song was sung. *Green v. Minzensheimer* (decided by this court Mar. 19, 1909) 177 Fed., 286, is distinguishable in that in that case the defendant imitated the singer without musical accompaniment, and the testimony as to just what she did was not clear.

A preliminary injunction may issue as prayed for, upon the filing by the complainants of a bond, with sufficient surety, in the sum of

\$2,000, conditioned that the complainants pay all damages sustained by the defendant, in case it be held that the complainants are not entitled to an injunction in the final decree.

[Green et al. v. Luby. Circuit court, southern district of New York. December 21, 1909 (177 Federal Reporter, pp. 287-288.)]

COPYRIGHTS (SEC. 33)—RENEWALS—CONSTRUCTION OF STATUTE

Copyright act March 4, 1909, chap. 320, sec. 24, 35 Stat., 1080 (U. S. Comp. St. Supp., 1909, p. 1297), which provides that "the copyright subsisting in any work at the time when this act goes into effect may, at the expiration of the term provided for under existing law, be renewed and extended by the author of such work if still living, or the widow, widower, or children of the author if the author be not living, or if such author, widow, widower, or children be not living, then by the author's executors, or in the absence of a will his next of kin, for a further period," etc., in accordance with a well-settled statutory policy, limits such right of renewal to the persons named therein and does not extend it to the "proprietor" of the work, although both under that and the prior statute an original copyright might be secured by such proprietor.

Appeal from the circuit court of the United States for the district of Rhode Island.

Suit in equity by the White-Smith Music Publishing Co. against Ira N. Goff and others. Decree for defendants (180 Fed., 256), and complainant appeals. Affirmed.

Alexander P. Browne (Browne & Woodworth, on the brief), for appellant.

Horatio E. Bellows, for appellees.

Before PUTNAM and LOWELL, circuit judges, and ALDRICH, district judge.

OPINION OF THE COURT, MARCH 1, 1911

PUTNAM, circuit judge. This appeal grows out of a bill in equity brought by the complainant, the White-Smith Co., against the respondents, Goff and Darling, alleging infringement of a copyrighted musical composition. The complainant is the publisher, and not the author. It claims a statutory extension of a copyright as proprietor under sections 4952 and 4954 of the Revised Statutes. It offered registration under the statute, and, although registration was refused, yet it fully complied with the requirements of law, and is entitled to maintain this suit if it had any statutory right to the extension. Whether at this time the author was living does not appear. The respondents make no claim under any copyright. The complainant acquired its original rights under the following contract:

BOSTON, June 29, 1876

Memo. of agreement between Eben H. Bailey, of the first part, and Mess. White, Smith & Co., music publishers, of the second part. The party of the first part hereby agrees to furnish the party of the second part eight (8) MSS. of his own original instrumental compositions each year, during the term of this contract, and upon the acceptance of which the party of the second part agrees to

pay the sum of (\$25.00) twenty-five dollars each as soon as published. This contract to remain in force 3 years from above date, or until June 29, 1879, and during which time the party of the second part shall hold the exclusive right and title to all original inst'l compositions or transcriptions by the party of the first part, who shall not in any case offer them to any other party or publisher, either under his own name or "nom de plume." It is also agreed by the party of the first part, to give to the party of the second part, all his trade and influence in furtherance of this contract.

EBEN H. BAILEY
WHITE, SMITH & CO

Witness:
[SEAL] FRANK E. CRANE

As the bill alleged no other right than what we have stated, it was demurred to, and the decision of the circuit court was in favor of the respondents, on the ground that the complainant had no statutory interest in the extension.

Sections 4952 and 4954 of the Revised Statutes applied to the copyright at the time it was taken out:

SEC. 4952. Any citizen of the United States, or resident therein, who shall be the author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any such person shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and, in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or represented by others. And authors may reserve the right to dramatize or to translate their own works.

SEC. 4954. The author, inventor, or designer, if he be still living and a citizen of the United States and resident therein, or his widow or children, if he be dead, shall have the same exclusive right continued for the further term of fourteen years, upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations in regard to original copyrights, within six months before the expiration of the first term.

When the copyright thus acquired under section 4952 expired, the act approved March 4, 1909 (35 Stat., 1080), was in force, of which so much of the twenty-fourth section as is pertinent at this point reads as follows:

SEC. 24. That the copyright subsisting in any work at the time when this act goes into effect may, at the expiration of the term provided for under existing law, be renewed and extended by the author of such work if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then by the author's executors, or in the absence of a will, his next of kin, for a further period such that the entire term shall be equal to that secured by this act, including the renewal period.

The complainant maintains that the result in the circuit court was to deprive it of a vested right, but, as the language of the two statutes which we have cited was for this purpose essentially the same, no such question can arise. Moreover, as is thoroughly settled by the Supreme Court, all rights of copyright in the United States are purely statutory, whatever they may once have been in England, and it is not so easy to understand how there can be a vested right under a public statute which has not actually accrued, and which lies only in the future. This proposition, however, we can pass by.

It is to be noted that in each statute the grant of the original copyright is to the author or proprietor, while as to the provision for an extension the word "proprietor" is studiously stricken out. Neither is it true that the provision for the extension in either statute operates automatically or in any line which recognizes a continuing right. While the words "renewed and extended," in their proper and ordinary construction, relate to a continuing right, yet the fact that, if the author is not living, the "widow, widower, or children" of the author are entitled to the additional term makes the provision of each statute in reference thereto strictly personal, and not really and truly a renewal or extension. Therefore, neither statute on its face provides really and truly an extension to the author, his assigns, executors, and administrators, but a new grant to the author or others enumerated as we have said.

In this connection we will observe that the complainant relies on the word "proprietor" appearing in what follows in the same section 24, namely: "*Provided, however, That if the work be a composite work upon which copyright was originally secured by the proprietor thereof, then such proprietor shall be entitled to the privilege of renewal and extension granted under this section.*" This has reference, of course, to the provision about composite works in section 23 of the same act of March, 1909; yet by its own implication it clearly defeats the proposition of the complainant, because, if that were correct, this proviso would not be necessary in order to entitle a mere proprietor to the privilege of renewal and extension under any circumstances whatever. Indeed, whether the position of the complainant or the respondents be correct, the word "proprietor" comes in legitimately because, in connection with the renewal, the persons who control the right thereto, whether widow, widower, or the author himself, may, during the year prior to the expiration of the existing term nominated in section 24, assign the right to renewal, so that the then proprietor may make the new registration required, and take out the extension in his own name. Further, there is nothing in all these implications suggested by the complainant which, on any just rule of construction, can set aside the plain phraseology of the statute as to any particulars concerned therein. It is, therefore, at least clear that, by the express terms of the statutes, whether the one existing when this copyright was taken out or the one existing when the extension was applied for, no one except the author

or the members of his family or his executors could ordinarily apply for the extension; and this independently of any question for whose benefit the author or the other applicant might hold the copyright when acquired.

However, it is well to show that this is not merely a technical condition precedent, but lies at the bottom of a long-continued and purposely intended series of statutes. The first section of the original copyright act of May 31, 1790 (1 Stat., 124), provided that the original copyright might be taken out by a "citizen or citizens," "his or their executors, administrators, or assigns." In the same section, and as a part of the same subject matter, the statute gave, using exactly the same language, to "a citizen or citizens," "his or their executors, administrators, or assigns," a further term of 14 years. There was here no reference to members of the author's family, or to anyone who was not in the line of succession or in privity according to the rules of law, but only a repetition of exactly the same persons and successors to whom the first term was given. Therefore, without there being any specific authoritative construction given thereto by the Supreme Court, it was properly assumed that the further term of 14 years was strictly an extension or continuation of the original right, and flowed out of the same in accordance with the ordinary rules of law controlling the devolution of property; so that there was nothing to indicate, as a matter of public policy or otherwise, by the way of pointing out *eo nomine* any particular persons to whom the extensions should be granted, that a copyright might not be assigned alike for the original term and for all its extensions, improvements, and all other incidentals, precisely as an ordinary patent for an invention may be assigned. There was nothing to indicate any public policy to the contrary. This first appeared in sections 2 and 16 of the act of February 3, 1831 (4 Stat., 436, 439). Section 2 related to copyrights obtained after that statute went into effect. It broke up the continuity of title, and gave the right of renewal to the widow or child or children. This clearly recognized the fact that, unlike the view entertained early in England, a copyright is purely a matter of statutory grant, as has been settled ever since *Wheaton v. Peters*, 8 Pet., 591, decided in 1834, and recognized by at least several statutes by which Congress has arbitrarily granted copyrights to persons who had not entitled themselves thereto under any existing law. Here, then, was an entirely new policy, completely dis severing the title, breaking up the continuance in a proper sense of the word, whatever terms might be used, and vesting an absolutely new title, *eo nomine* in the persons designated.

Congress thus proceeded on the theory contained in the original statute of Anne, by virtue of which, at the expiration of the first copyright term, the sole right of printing or disposing of copies "returned to the authors thereof, if living." On the well-settled principles of the common law, and also on the well-settled principles applicable to

ordinary things, the right of publication having been returned to the original author ceased to exist, and was dissolved into its original elements, precisely as a right of way from Blackacre across Whiteacre ceases to exist when the same title in fee to each parcel vests in the same owner. Whatever might occur afterwards would be entirely a new grant, and, whatever the language used in section 2 of the act of 1831, such was the condition, and whatever further rights arose were disconnected from the original right. Section 2 referred to copyrights which first came into being after that statute went into effect, as we have said. Section 16 of the same act related to copyrights which had been secured prior to the act of 1831, and gave an extension of those copyrights. This did in truth assume to vest the new right in the widow, etc., if the author was not living, and cut out a mere proprietor by omitting his name. It was to this stage of the legislation of the United States that *Paige v. Banks*, 13 Wall., 608, related, the original copyright having been taken out in 1828. We will refer to this case again.

In every act since that of 1831 this method of vesting the right to an extension *eo nomine* has been persisted in. The purpose of these provisions is singularly illustrated by the fact that all the author's administrators are shut out; but his executors, whom he may appoint at his will, are let in. This continues in sections 23 and 24 of the present act of 1909. With this there accumulates a very considerable amount of foreign legislation to which it may be well to call attention in this connection. According to a note made by Mr. George T. Curtis in what is described by Judge Clifford as his very valuable work on copyright, at page 25, it seems to have been the policy of nearly all the civilized world to secure the extension of a copyright to the author or his family, including England, France, Holland, Belgium, and Prussia. There are at least sentimental reasons for believing that Congress may have intended that the author, who according to tradition receives but little for his work, and afterwards sees large profits made out of it by publishers, should later in life be brought into his kingdom. At any rate such seems to be the purpose of the legislation in the countries referred to by Mr. Curtis, and such was clearly the purpose in much of the earlier legislation in the colonies. It is true that, in the line of what was enacted by Congress in 1790, the Continental Congress, in May, 1783, recommended only that the various colonies should renew the copyright term first given to the author and his legal successors and assigns; but Connecticut in the same year provided, as did the statute of Anne, that at the end of the first term the right of publication should return to the author, and Maryland, Pennsylvania, Georgia, New York, and New Jersey did the same.

It can hardly be conceived that such statutory declarations do not indicate a deep-seated policy which not even the author can defeat. If what statutes we have cited left any question, it would seem to be removed by section 23 of the act of 1909. This defines the limited class

of proprietors who may secure the extended term, namely, where there is a composite work as already spoken of, or a corporation, or an employer for whom the work was made for hire. To strengthen the effect of this it appears in the body of this classification that even a corporation, when it is the assignee or licensee of an individual, is excluded. Of course, section 23 does not directly operate here, but it intensifies the interpretation which we have given to section 24 and other like statutory provisions preceding it. Consequently, except for *Paige v. Banks*, 7 Blatchf., 152, and 13 Wall., 608, we should be clearly of the opinion that the discussion we have made fully disposes of the case in favor of the respondents here, on the ground of a thoroughly established public policy, supported by sufficient reasons in that behalf. Nevertheless, we are bound to accept *Paige v. Banks*, to the effect that there was a certain class of cases to which our reasoning would not apply.

There the publishers secured the extension; and there was the peculiar fact that the author contracted to furnish them the manuscripts of his publications, which were judicial reports, with a provision that they should have the right thereof "to them and their assigns forever." Looking through the opinion in the Circuit Court, as well as that in the Supreme Court, it might be said that the effect was simply to estop the author as against the perpetual right of the publishers and nothing else; and it is also to be observed that in that case an extended copyright had in fact been taken out by the author, so that the author might have been said to have held the copyright in trust for the publishers.

In the present case the letter of the statute had not been complied with by any application for an extended copyright made by the author, or by any of those designated in connection with such application if he was not living. It may be that we would be justified in disposing of the present case on that distinction; but it would be so unsatisfactory a distinction as hardly to be worth acceptance by a court of law. If an application by the author was merely a condition precedent, it is plain to us that in some cases it might be a practical denial to the publisher of all right, because, during the short period given for securing the extension, it would be quite impracticable for him to enforce a trust and to establish a right thereto by litigation. Such a construction would apparently make the statute a practical failure as to accomplishing one of its intended purposes. If the statute intended the publisher to secure the benefit of the copyright, it undoubtedly would have so declared directly, instead of hinting at it indirectly through the author. Therefore such a suggestion does not seem to be a reasonable one.

While, of course, not much weight as to the construction of a statute can fairly be given to the report of a committee of one branch of Congress bringing in a bill which is afterwards enacted into the statute in question, yet, where we have such an apparent statutory policy as we have here, in the light of the explanations we have made, such a report clearly declaring that policy must attract decided attention. In this case the present statute of 1909 was accompanied in the House of Repre-

sentatives with a report, No. 2222, Sixtieth Congress, second session, which was very elaborate, and explained fully the provisions of the bill which accompanied it. It explained positively sections 23 and 24 which are in issue here, and which, as we have shown, practically reenact what had preceded them, beginning with the act of 1831. After referring generally to the wisdom of a renewal of the term of copyright, it said:

It not infrequently happens that the author sells his copyright outright to a publisher for a comparatively small sum. If the work proves to be a great success and lives beyond the term of 28 years, your committee felt that it should be the exclusive right of the author to take the renewal term, and the law should be framed as is the existing law, so that he could not be deprived of that right.

It again said:

Instead of confining the right of renewal to the author, if still living, or to the widow or children of the author, if he be dead, we provide that the author of such work, if still living, may apply for the renewal, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then the author's executors, or, in the absence of a will, his next of kin. It was not the intention to permit the administrator to apply for the renewal, but to permit the author who had no wife or children to bequeath by will the right to apply for the renewal.

What is thus said about the administrator is directly in line with what we have already observed, and is a striking and positive illustration of the fact that the intention of the committee was to provide, as a matter of public policy, that the right of renewal should be personal, and that the author, or those named as the persons in whom he is most concerned, should not in any way be cut off from the benefit of the new monopoly. As to the section which directly touches this case, the report observed as follows:

Section 24 deals with the extension of copyrights subsisting when this act goes into effect, and has the same provision regarding those who may apply for the extension of the subsisting term to the full term, including renewal, as is found in the preceding section regarding renewals generally.

On examining *Paige v. Banks*, as reported in 13 Wall., it appears at page 609 that the contract on which the publisher relied was made in 1828, when the act of 1790 was in force, and when no rule of public policy such as we have explained existed or had been declared. The renewal, as appears on page 610, was under the act of February 3, 1831. It is true that the essential portion of the act of 1831 appears in the report of the case; and that act, as we have said, first exhibited the general rule of public policy now so plainly declared. Nevertheless, this fact was in no way commented on in the opinion of the court, and nothing in that opinion indicates that the court went beyond the state of the law in 1828 with reference to the question involved, except in saying, at the foot of page 614 of 13 Wall., that, on a fair and just inter-

pretation of the terms of the original agreement, to attempt to apply the act of 1831 would lay the basis of too narrow a construction. All through the opinion the court refers to the original agreement made in 1828, without any indication that the court undertook to consider deliberately whether or not the act of 1831 affected, or could affect, the rights of the parties as they were originally established. So far as this is concerned, for aught that appears the court may have accepted the proposition made by the publisher here to the effect that a copyright arising under one statute becomes a vested interest which subsequent statutes can not disturb. Certainly there is nothing in the decision in *Paige v. Banks* which justifies us in assuming that, as a result of that case, the decision would have been as it was if the original contract had been made after the act of 1831 came into force; and especially in the light of the accumulated evidence of a clearly intended public policy of the kind we have described, which existed when the questions arose with reference to the copyright here in question, we feel justified in giving full effect to the condition of the statutes as we now find them.

The decree of the Circuit Court is affirmed; and the appellees recover their costs of appeal.

[*White-Smith Music Publishing Co. v. Ira N. Goff et al.* Circuit court of appeals, first circuit, March 1, 1911. No. 909. Appeal from the circuit court of the United States for the district of Rhode Island. (187 Federal Reporter, pp. 247-253.)]

Addendum No. 4

COPYRIGHT PROCLAMATIONS

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GENERAL COPYRIGHT RELATIONS

COPYRIGHT—SWEDEN

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas it is provided by the act of Congress of March 4, 1909, entitled "An act to amend and consolidate the acts respecting copyright," that the benefits of said act, excepting certain of the benefits under section 1 (e) thereof, as to which special conditions are imposed, shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only upon certain conditions set forth in section 8 of said act, to wit:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this act or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto;

And whereas it is also provided by said section that "the existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this act may require;"

And whereas the King of Sweden has declared, under authority of law, that from and after June 1, 1911, citizens of the United States shall be entitled to all the benefits conferred by the copyright law of Sweden;

Now, therefore, I, William Howard Taft, President of the United States of America, do declare and proclaim that one of the alternative conditions specified in section 8 of the act of March 4, 1909, will be fulfilled in respect to the subjects of Sweden on June 1, 1911, and that the subjects of Sweden from and after that date will be entitled to all of the benefits of the said act except those under section 1 (e) thereof controlling the mechanical reproduction of a copyrighted musical work.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this twenty-sixth day of May, in the year of our Lord one thousand nine hundred and eleven, and of the Independence of the United States of America the one hundred and thirty-fifth.

[SEAL]

WM. H. TAFT

By the President:

P. C. KNOX

Secretary of State

PROCLAMATIONS UNDER SECTION 1 (e), ACT OF MARCH 4,
1909

No. 1]

COPYRIGHT—BELGIUM

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas it is provided by the act of Congress of March 4, 1909, entitled "An act to amend and consolidate the acts respecting copyright" (in effect on July 1, 1909), that the provisions of said act, "so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after this act goes into effect, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights;"

And whereas it is further provided that the copyright secured by the act shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only upon certain conditions set forth in section 8 of said act, to wit:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this act or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto;

And whereas it is also provided by said section that "the existence of the reciprocal conditions aforesaid shall be determined by the President of the United States by proclamation made from time to time, as the purposes of this act may require;"

And whereas satisfactory official assurance has been given that in Belgium the law permits to citizens of the United States similar rights to those accorded in section 1 (e) of the act of March 4, 1909;

Now, therefore, I, William Howard Taft, President of the United States of America, do declare and proclaim that one of the alternative conditions specified in sections 1 (e) and 8 (b) of the act of March 4, 1909, now exists and is fulfilled and since July 1, 1909, has been fulfilled in respect to the subjects of Belgium, and that the subjects of that country are entitled to all the benefits of section 1 (e) of the said act, including "*copyright controlling the parts of instruments serving to reproduce mechanically the musical work,*" in the case of all musical compositions by Belgian composers which have been published since July 1, 1909, and have been duly registered for copyright in the United States.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this fourteenth day of June, in the year of our Lord one thousand nine hundred and eleven,
[SEAL] and of the Independence of the United States of America the one hundred and thirty-fifth.

WM. H. TAFT

By the President:

P. C. KNOX

Secretary of State

No. 2]

COPYRIGHT—GERMANY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas it is provided by the act of Congress of March 4, 1909, entitled "An act to amend and consolidate the acts respecting copyright," that the provisions of said act, "so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work * * * shall not include the works of a foreign

author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights;"

And whereas it is further provided that the copyright secured by the act shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only upon certain conditions set forth in section 8 of said act, to wit:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this act or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto;

And whereas it is also provided by said section that "the existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this act may require;"

And whereas satisfactory official assurance has been given that in Germany the law now permits to citizens of the United States similar rights to those accorded in section 1 (e) of the act of March 4, 1909;

Now, therefore, I, William Howard Taft, President of the United States of America, do declare and proclaim that one of the alternative conditions specified in section 8 (b) of the act of March 4, 1909, now exists and is fulfilled in respect to the subjects of the German Empire, and that the subjects of that country are entitled to all the benefits of section 1 (e) of the said act.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this eighth day of December in the year of our Lord one thousand nine hundred and ten, and
[SEAL] of the Independence of the United States of America the one hundred and thirty-fifth.

WM. H. TAFT

By the President:

P. C. KNOX

Secretary of State

No. 3]

COPYRIGHT—LUXEMBURG

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas it is provided by the act of Congress of March 4, 1909, entitled "An act to amend and consolidate the acts respecting copyright" (in effect on July 1, 1909), that the provisions of said act, "so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after this act goes into effect, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights;"

And whereas it is further provided that the copyright secured by this act shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only upon certain conditions set forth in section 8 of said act, to wit:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this act or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto;

And whereas it is also provided by said section that "the existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this act may require;"

And whereas such proclamation was duly issued on June 29, 1910;

And whereas satisfactory official assurance has now been given that in Luxemburg the law permits to citizens of the United States similar rights to those accorded in section 1 (e) of the act of March 4, 1909:

Now, therefore, I, William Howard Taft, President of the United States of America, do declare and proclaim that one of the alternative conditions specified in sections 1 (e) and 8 (b) of the act of March 4, 1909, now exists and is fulfilled and since June 29, 1910, has been fulfilled in respect to the subjects of Luxemburg, and that the subjects of that country are entitled to all the benefits of section 1 (e) of the said act, including "*copyright controlling the parts of instruments serving to reproduce mechanically the musical work,*" in the case of all musical com-

positions by composers of Luxemburg which have been published since June 29, 1910, and have been duly registered for copyright in the United States.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this fourteenth day of June, in the year of our Lord one thousand nine hundred and eleven,
[SEAL] and of the Independence of the United States of America the one hundred and thirty-fifth.

WM. H. TAFT

By the President:

P. C. KNOX

Secretary of State

No. 4]

COPYRIGHT—NORWAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas it is provided by the act of Congress of March 4, 1909 (in effect on July 1, 1909), entitled "An act to amend and consolidate the acts respecting copyright," that the provisions of said act, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after this act goes into effect, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights;"

And whereas it is further provided that the copyright secured by the act shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation only upon certain conditions set forth in section 8 of said act, to wit:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this act or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto;

And whereas it is also provided by said section that "the existence of the reciprocal conditions aforesaid shall be determined by the

President of the United States, by proclamation made from time to time, as the purposes of this act may require;''

And whereas the President of the United States did, by his proclamation dated April 9, 1910, declare and proclaim that subjects of Norway had been since July 1, 1909, entitled to all of the benefits of the said act, other than the benefits under section 1 (e) thereof, as to which the inquiry was still pending at the date of said proclamation;

And whereas satisfactory official assurance has been given that in Norway the law now grants, and has granted since September 9, 1910, to citizens of the United States similar rights to those accorded in section 1 (e) of the act of March 4, 1909:

Now, therefore, I, William Howard Taft, President of the United States of America, do declare and proclaim that one of the alternative conditions specified in section 8 (b) of the act of March 4, 1909, now exists and is fulfilled in respect to the subjects of Norway, and that the subjects of that country are and have been since September 9, 1910, entitled to all the benefits of section 1 (e) of the said act.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this fourteenth day of June, in the year of our Lord one thousand nine hundred and eleven,

[SEAL] and of the Independence of the United States of America the one hundred and thirty-fifth.

WM. H. TAFT

By the President:

P. C. KNOX

Secretary of State

Addendum No. 5

FOURTH INTERNATIONAL AMERICAN CONFERENCE

CONVENTION ON LITERARY AND ARTISTIC COPYRIGHT. SIGNED AT *Fourth Pan-American Copyright Convention,*
BUENOS AIRES, AUGUST 11, 1910 *1910*

[Ratification approved by the Senate on Feb. 15, 1911]

ARTICLE 1. The signatory States acknowledge and protect the rights of literary and artistic property in conformity with the stipulations of the present convention.

ART. 2. In the expression "Literary and artistic works" are included books, writings, pamphlets of all kinds, whatever may be the subject of which they treat and whatever the number of their pages; dramatic or dramatico-musical works; choreographic and musical compositions, with or without words; drawings, paintings, sculpture, engravings; photographic works; astronomical or geographical globes; plans, sketches or plastic works relating to geography, geology or topography, architecture or any other science; and, finally, all productions that can be published by any means of impression or reproduction.

ART. 3. The acknowledgment of a copyright obtained in one State, in conformity with its laws, shall produce its effects of full right in all the other States without the necessity of complying with any other formality, provided always there shall appear in the work a statement that indicates the reservation of the property right.

ART. 4. The copyright of a literary or artistic work includes for its author or assigns the exclusive power of disposing of the same, of publishing, assigning, translating, or authorizing its translation and reproducing it in any form whether wholly or in part.

ART. 5. The author of a protected work, except in case of proof to the contrary, shall be considered the person whose name or well-known nom de plume is indicated therein; consequently suit brought by such author or his representative against counterfeiters or violators shall be admitted by the courts of the signatory States.

ART. 6. The authors or their assigns, citizens or domiciled foreigners, shall enjoy in the signatory countries the rights that the respective laws accord, without those rights being allowed to exceed the term of protection granted in the country of origin.

For works comprising several volumes that are not published simultaneously, as well as for bulletins, or parts, or periodical publications,

the term of the copyright will commence to run, with respect to each volume, bulletin, part, or periodical publication, from the respective date of its publication.

ART. 7. The country of origin of a work will be deemed that of its first publication in America, and if it shall have appeared simultaneously in several of the signatory countries, that which fixes the shortest period of protection.

ART. 8. A work which was not originally copyrighted shall not be entitled to copyright in subsequent editions.

ART. 9. Authorized translations shall be protected in the same manner as original works.

Translators of works concerning which no right of guaranteed property exists, or the guaranteed copyright of which may have been extinguished, may obtain for their translations the rights of property set forth in Article 3rd, but they shall not prevent the publication of other translations of the same work.

ART. 10. Addresses or discourses delivered or read before deliberative assemblies, courts of justice, or at public meetings may be printed in the daily press without the necessity of any authorization, with due regard, however, to the provisions of the domestic legislation of each nation.

ART. 11. Literary, scientific, or artistic writings, whatever may be their subjects, published in newspapers or magazines in any one of the countries of the Union, shall not be reproduced in the other countries without the consent of the authors. With the exception of the works mentioned, any article in a newspaper may be reprinted by others if it has not been expressly prohibited, but in every case the source from which it is taken must be cited.

News and miscellaneous items published merely for general information do not enjoy protection under this convention.

ART. 12. The reproduction of extracts from literary or artistic publications for the purpose of instruction or chrestomathy does not confer any right of property, and may, therefore, be freely made in all the signatory countries.

ART. 13. The indirect appropriation of unauthorized parts of a literary or artistic work having no original character shall be deemed an illicit reproduction, in so far as affects civil liability.

The reproduction in any form of an entire work, or of the greater part thereof, accompanied by notes or commentaries under the pretext of literary criticism or amplification, or supplement to the original work, shall also be considered illicit.

ART. 14. Every publication infringing a copyright may be confiscated in the signatory countries in which the original work had the right to be legally protected, without prejudice to the indemnities or penalties which the counterfeiters may have incurred according to the laws of the country in which the fraud may have been committed.

ART. 15. Each of the Governments of the signatory countries shall retain the right to permit, inspect, or prohibit the circulation, repre-

sentation, or exhibition of works or productions, concerning which the proper authority may have to exercise that right.

ART. 16. The present convention shall become operative between the signatory States which ratify it three months after they shall have communicated their ratification to the Argentine Government, and it shall remain in force among them until a year after the date, when it may be denounced. This denunciation shall be addressed to the Argentine Government and shall be without force except with respect to the country making it.

In witness whereof the plenipotentiaries have signed the present treaty and affixed thereto the seal of the Fourth International American Conference.

Made and signed in the city of Buenos Aires on the eleventh day of August in the year one thousand nine hundred and ten, in Spanish, English, Portuguese, and French, and deposited in the ministry of foreign affairs of the Argentine Republic, in order that certified copies be made for transmission to each one of the signatory nations through the appropriate diplomatic channels. Signed for the United States of America: Henry White, Enoch H. Crowder, Lewis Nixon, John Bassett Moore, Bernard Moses, Lamar C. Quintero, Paul S. Reinsch, David Kinley.

[Here follow the signatures of the delegates of the other 19 contracting States: Argentine Republic, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Salvador, Uruguay Venezuela.]

[Printed in English, French, Portuguese, and Spanish, in the Report of the delegates of the United States to the Fourth International Conference of American States, held at Buenos Aires, July 12 to August 30, 1910. 8°. Washington, Government Printing Office, 1911. (61st Cong., 3rd sess., Senate document No. 744, pp. 128-137.)]

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Addendum No. 6

(T. D. 31754.)

COPYRIGHT

LAW AND REGULATIONS GOVERNING THE IMPORTATION OF COPYRIGHTED ARTICLES

TREASURY DEPARTMENT, *July 17, 1911*

COLLECTORS AND OTHER OFFICERS OF THE CUSTOMS:

The following sections of the copyright law approved March 4, 1909, effective July 1, 1909, together with the regulations made in pursuance thereof, are published for the information and guidance of customs officers and others concerned:

"SEC. 15. That of the printed book or periodical specified in section five, subsections (a) and (b) of this act, except the original text of a book of foreign origin in a language or languages other than English, the text of all copies accorded protection under this act, except as below provided, shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of type-setting machine, or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process, or photo-engraving process, then by a process wholly performed within the limits of the United States, and the printing of the text and binding of the said book shall be performed within the limits of the United States; which requirements shall extend also to the illustrations within a book consisting of printed text and illustrations produced by lithographic process, or photo-engraving process, and also to separate lithographs or photo-engravings, except where in either case the subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art; but they shall not apply to works in raised characters for the use of the blind, or to books of foreign origin in a language or languages other than English, or to books published abroad in the English language seeking ad interim protection under this act.

"SEC. 30. That the importation into the United States of any article bearing a false notice of copyright when there is no existing copyright therein in the United States, or of any piratical copies of any work copyrighted in the United States, is prohibited.

"SEC. 31. That during the existence of the American copyright in any book the importation into the United States of any piratical copies thereof or of any copies thereof (although authorized by the author or proprietor) which have not been produced in accordance with the

manufacturing provisions specified in section fifteen of this act, or any plates of the same not made from type set within the limits of the United States, or any copies thereof produced by lithographic or photo-engraving process not performed within the limits of the United States, in accordance with the provisions of section fifteen of this act, shall be and is hereby, prohibited: *Provided, however,* That except as regards piratical copies, such prohibition shall not apply:

"(a) To works in raised characters for the use of the blind;

"(b) To a foreign newspaper or magazine, although containing matter copyrighted in the United States printed or reprinted by authority of the copyright proprietor, unless such newspaper or magazine contains also copyright matter printed or reprinted without such authorization;

"(c) To the authorized edition of a book in a foreign language or languages of which only a translation into English has been copyrighted in this country;

"(d) To any book published abroad with the authorization of the author or copyright proprietor when imported under the circumstances stated in one of the four subdivisions following, that is to say:

"First. When imported, not more than one copy at one time, for individual use and not for sale; but such privilege of importation shall not extend to a foreign reprint of a book by an American author copyrighted in the United States;

"Second. When imported by the authority or for the use of the United States;

"Third. When imported, for use and not for sale, not more than one copy of any such book in any one invoice, in good faith, by or for any society or institution incorporated for educational, literary, philosophical, scientific, or religious purposes, or for the encouragement of the fine arts, or for any college, academy, school, or seminary of learning, or for any State, school, college, university, or free public library in the United States;

"Fourth. When such books form parts of libraries or collections purchased en bloc for the use of societies, institutions, or libraries designated in the foregoing paragraph, or form parts of the libraries or personal baggage belonging to persons or families arriving from foreign countries and are not intended for sale:

"*Provided,* That copies imported as above may not lawfully be used in any way to violate the rights of the proprietor of the American copyright or annul or limit the copyright protection secured by this act, and such unlawful use shall be deemed an infringement of copyright.

"SEC. 32. That any and all articles prohibited importation by this act which are brought into the United States from any foreign country (except in the mails) shall be seized and forfeited by like proceedings as those provided by law for the seizure and condemnation of property imported into the United States in violation of the customs revenue laws. Such articles when forfeited shall be destroyed in such manner as the Secretary of the Treasury or the court, as the case may be, shall direct:

"*Provided, however,* That all copies of authorized editions of copyright books imported in the mails or otherwise in violation of the provisions

of this act may be exported and returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury, in a written application, that such importation does not involve willful negligence or fraud.

"SEC. 33. That the Secretary of the Treasury and the Postmaster General are hereby empowered and required to make and enforce such joint rules and regulations as shall prevent the importation into the United States in the mails of articles prohibited importation by this act, and may require notice to be given to the Treasury Department or Post Office Department, as the case may be, by copyright proprietors or injured parties, of the actual or contemplated importation of articles prohibited importation by this act, and which infringe the rights of such copyright proprietors or injured parties.

"SEC. 18. That the notice of copyright required by section nine of this act, shall consist either of the word 'Copyright' or the abbreviation 'Copr.,' accompanied by the name of the copyright proprietor; and if the work be a printed literary, musical, or dramatic work, the notice shall include also the year in which the copyright was secured by publication." In the case of copies of maps, works of art, models, or designs for works of art, reproductions of a work of art, drawings, or plastic works of a scientific or technical character, photographs, prints and pictorial illustrations, the notice may consist of the letter C inclosed within a circle, thus ©, accompanied by the initials, monogram, mark, or symbol of the copyright proprietor:

Provided, That on some accessible portion of such copies or of the margin, back, permanent base, or pedestal, or of the substance on which such copies shall be mounted, his name shall appear: Works in which copyright is subsisting when this act shall go into effect may be either in one of the forms prescribed herein or in one of those prescribed by the act of June 18, 1874.

The register of copyrights is required by this act to print at periodic intervals a catalogue of the titles of articles deposited and registered for copyright, which printed catalogues, as they are issued, will be distributed to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails.

REGULATIONS

Under the copyright act the following articles are prohibited importation:

1. Piratical copies of any work copyrighted in the United States. By the term "piratical" is meant the printing, reprinting, publishing, copying, or reproducing without authority of the copyright proprietor of any article legally copyrighted and on which the copyright is still in force.

2. Articles bearing a false notice of copyright when there is no existing copyright thereon in the United States.

3. Authorized foreign reprints of books by an American author copyrighted in the United States.

4. Authorized copies of any book copyrighted in the United States not produced in accordance with the manufacturing provisions of section 15 of the copyright act, except such as are exempted in the said section 15 and section 31 of the act.

All books on which there is an existing copyright in the United States are prohibited importation unless produced in accordance with the manufacturing provision of section 15, whether copyrighted under this act or previous acts. (Opinion of the Attorney General, T. D. 30136, Nov. 24, 1909.)

Copyrighted books produced in accordance with the manufacturing provisions of section 16 of the copyright act, when exported and rebound abroad may be admitted to entry on their return to the United States. (Opinion of the Attorney General, T. D. 30414.)

As copyrighted books are required to be printed and bound in the United States, evidence should be required on entry that such books were exported in a bound condition and not as loose sheets, and that the printing and binding were both performed within the limits of the United States.

Imported articles found to bear a false notice of copyright will be detained and forfeiture proceedings instituted as provided in Schedule 32.

If satisfactory evidence is not produced to the collector that such imported books were produced in accordance with the manufacturing provisions of section 15, or are exempt therefrom, the books will be seized and forfeiture proceedings instituted as provided in section 32.

Forfeiture proceedings instituted under the copyright act will be conducted in the same manner as in case of merchandise seized for violation of the customs laws, section 32, *supra*. (Arts. 1266 to 1269, Customs Regulations, 1908.)

Authorized editions of copyright books imported through the mails or otherwise in violation of the copyright act may, under customs supervision, be returned to the country of exportation whenever it is shown in a written application to the satisfaction of the Secretary of the Treasury that such importation was not due to willful negligence or fraud. (Sec. 32, *supra*.)

In any case in which a customs officer is in doubt as to whether an article is prohibited importation under the copyright act the articles should be detained and the facts reported to the department for instruction.

FRANKLIN MACVEAGH

Secretary

JOINT REGULATIONS Governing treatment of letters and packages received in the mails from foreign countries containing or supposed to contain articles prohibited importation by the copyright act of March 4, 1909.

The "joint regulations governing the treatment of dutiable and supposed dutiable articles received in the mails from foreign countries" are also applicable in the treatment of articles which contain or which are supposed to contain matter prohibited importation by the copyright act, except as hereinafter modified:

Unsealed correspondence and packages (registered and unregistered) of all kinds which upon examination prove to contain articles prohibited importation by the copyright act shall be retained by customs officers, who will notify the addressee of the facts of the case. If an application is not made within a reasonable time to the Secretary of the Treasury for permission to return such articles to the country of export, the customs officers shall take appropriate steps to forfeit the articles as provided in section 32 of the copyright act.

Sealed articles supposed to contain matter prohibited importation by the copyright act must be appropriately marked to indicate that fact at the exchange office of receipt. The same conditions shall apply in regard to the marking, opening, and disposition of such sealed articles by the addressee or authorized agent as are required in the case of the opening and treatment of sealed "Supposed liable to customs duty" pieces. If the customs officer finds an article contains matter prohibited importation by the copyright act, he shall notify the addressee of the facts through the postmaster at the office of delivery. If an application is not then made within a reasonable time to the Secretary of the Treasury for permission to return the article to the country of export, the customs officer shall take appropriate steps to forfeit the matter as provided in section 32 of the copyright act.

Receipt should be taken for articles submitted to customs officials as prohibited importation under the copyright law and proper record made on the Post Office records of the disposition of such articles as are not returned to be disposed of through the mails.

Notice of actual or contemplated illegal importations through the mails should be given to the Secretary of the Treasury or the Postmaster General. On receipt of such notices either by the Secretary of the Treasury or the Postmaster General instructions will be promptly issued.

FRANKLIN MACVEAGH

Secretary of the Treasury

FRANK H. HITCHCOCK

Postmaster General

["Treasury Decisions," vol. 21, No. 3, July 20, 1911, pp. 8-12.]



APPENDIX III
MANUSCRIPTS AND BROADSIDES

I. GIFTS, 1910-11

- From the American Peace Society, Boston, Mass.:
Information for American, Canadian and British newspapers for a celebration of the hundred years of peace between the United States and Great Britain. (Broadside.)
- From William Beer, Howard Memorial Library, New Orleans, La.:
Miscellaneous vouchers and pay certificates of the Confederate Army, 1861-5; letter from Henry Clay to James K. Polk, 1843 (Typewritten copy); letter from Mrs. A. C. Proctor to her brother, 1865.
- From Frederick G. Bromberg, Mobile, Ala.:
Letters from Wager Swayne, 1867-9 and Raphael Semmes, 1873-4.
- From Miss Mary C. Brooks, Erie, Pa.:
Letter from John Crafts Wright to Mrs. Wright, 1827.
- From Miss Frank E. Buttolph, Astor Library, New York City:
Menus of the trip of Prince Henry of Prussia on the North German Lloyd line from Bremen to New York, 1902; menus of miscellaneous banquets at New York, Boston, etc., 1907-10.
- From James A. Case, Asbury Park, N. J.:
Portion of draft of Thomas M. Cooley's speech before the Boston Merchants' Association, 1889.
- From Col. Micajah H. Clark, Clarksville, Tenn.:
Receipts for disbursements of the specie funds of the Confederacy, 1865, May.
- From Mrs. J. K. Connally, Asheville, N. C.:
Papers of Jabez Lamar Morton Curry, 1847-1903.
- From Charles A. Dunnington, Washington, D. C.:
Virginia election ticket for the electors of the President and Vice President of the Confederate States of America, 1861.
- From Maj. John P. Finley, Zamboanga, Philippine Islands:
Broadside and advertising literature of the Moro and Zamboanga Fair, 1911.
- From Gallaudet College, Washington, D. C.:
Minutes of proceedings of the Manual Labor School and Male Orphan Asylum Society, 1836-61.
- From Dr. Samuel A. Green, Boston, Mass.:
Various proclamations of the Governors of Massachusetts, 1910-11.
- From Charles P. Greenough, Boston, Mass.:
Letters to Daniel Webster, 1843-51.

- From Miss Julia Morgan Harding, Pittsburgh, Pa.:
Papers of Col. George Morgan, 1775-87; portion of an autograph letter from John Randolph of Roanoke; early copy of Richard Nicolls' commission as deputy governor of New England, 1664.
- From Mrs. Jane A. Hargis, Whitewright, Tex.:
Miscellaneous papers of Adam Frailey, 1790-6; letters from Moses Hoge to Susan Rumsey Frailey Skiles, 1793-1808; letters from James Rumsey to Charles Morrow, 1789-90.
- From Hon. Francis Burton Harrison, Washington, D. C.:
European letters from Jesse Burton Harrison, 1829-31.
- From Mrs. Susan E. Johnson Hudson, Stratford, Conn., Mrs. William Henry Carmalt, New Haven, and William Samuel Johnson, Mamaroneck, N. Y.:
Miscellaneous papers of William Samuel Johnson, 1765-90.
- From Rev. Joseph F. Jennison, Baltimore, Md.:
Diary of William Jennison, 1775-80.
- From Mrs. Horatio King, Washington, D. C.:
Papers of Horatio King, 1839-1891.
- From C. F. Langworthy, Washington, D. C.:
Reminiscences, memoranda, etc. of Lyman Barker Langworthy, 1707-1860. (Typewritten copy)
- From W. R. Leech, Albany, N. Y.:
Miscellaneous broadsides and campaign literature of the campaign of 1910, New York.
- From Hon. George B. McClellan, New York City:
Papers of George Brinton McClellan, 1841-85.
- From J. P. MacLean, Franklin, Ohio:
Miscellaneous material relating to the Shakers at Union Village, Ohio; oaths required by Great Britain of Highlanders (Type-written copies); letter from Samuel Johnson to Joseph Hewes, 1776 (Recent copy); deed of sale of Ohio land to Samuel Warlick, 1836.
- From Mrs. John Frederick May, Washington, D. C.:
"The Mark of the Scalpel" by John Frederick May, 1887.
- From Mrs. Delia Thomas Merkle, New York City:
Papers of Rev. Joseph C. Thomas relative to the United States Christian Commission libraries during the Civil War.
- From Lewis F. Patrick, Marinette, Wis.:
Proceedings in trial of Michael Capper for abducting a slave, 1797. (Contemporary copy)
- From P. Lee Phillips, Washington, D. C.:
Miscellaneous papers of William Hallett Phillips relative to the Yellowstone National Park, 1884-91; Sessford's statistics of Washington, 1859 (Broadside); Minutes of proceedings of the Conference on territorial acquisitions from Louisiana to the Gadsden Purchase, 1899, Nov. (Typewritten copies.)
- From Dr. W. M. Polk, New York City:
Various papers of William, Thomas, Thomas G., and Leonidas Polk and miscellaneous letters written to Maj. Gen. Richard Caswell, 1780-81.

- From Hon. Herbert Putnam, Washington, D. C.:
Photographic copies of certain pages of the Genoese and Washington Columbus codexes.
- From Eugène Saunier, Tunis, Africa:
"Boîte à Ordures."
- From Dr. James Brown Scott, Washington, D. C.:
Record of proceedings of the Hague Arbitration Court on the North Atlantic fisheries question. (Typewritten)
- From Hoyt Sherman, Washington, D. C.:
Papers of John Sherman, 1859-93.
- From P. T. Sherman, New York City:
Press-copy letter books of private correspondence of John Sherman, 1874-1893.
- From Lewis H. Stanton, New Orleans, La.:
Papers of Edwin M. Stanton, 1861-68.
- From Gilbert A. Tracy, Putnam, Conn.:
Autograph poems of Theodore Tilton.
- From Mrs. James D. West, Newton, Miss.:
Diary of John Newton Waddel, 1862-4; Moses Waddel's letter book of copies of letters received, 1793-1806 and an autobiographic memoir, 1778-92.
- From Rev. J. R. West, Pontiac, Miss.:
Diary of Moses Waddel, 1822-9.
- From Mrs. William H. Whitsitt, Richmond, Va.:
"Sidney Rigdon, the real founder of Mormonism, 1793-1876" by William H. Whitsitt. (Typewritten)
- From Brig. Gen. Henry Clay Wood, Farmington, Me.:
Ancestral record of Henry Clay Wood.

II. GENERAL LIST OF ACCESSIONS, 1910-11

UNITED STATES

- Continental Congress:
Resolves, 1776, 1781, 1786; privateer commission for the schooner *Gamecock*, 1779, June.
- Copyright certificates signed by Martin Van Buren, Secretary of State, 1829-30, (6 pieces)
- Post Office: Miscellaneous official papers, drafts of reports, etc., 1836-64.
- Conference on territorial acquisitions from the Louisiana to the Gadsden Purchase, minutes of proceedings, etc., 1899, Nov. (Typewritten copies)
- Report of proceedings of the Hague arbitration on the North Atlantic fisheries question. (10 vols. Typewritten)
- Secretary of War: Letters to the President and various Army officers, memoranda, etc., 1849-50. (5 pieces)

Revolution:

- 1780, June. Griffith Rutherford, letter to Maj. Gen. Richard Caswell.
 June-July. Baron de Kalb, two letters to Caswell.
 July. Glasgow, J., letter to Caswell.
 July. Abner Nash to Caswell.
 Aug. Horatio Gates to Caswell.
 1780, — Armand to Caswell.
 1781, Feb. Nathanael Greene to Caswell.
 Feb. Malmédy to Caswell.
 Mar. William Caswell to Maj. Gen. Richard Caswell.
 Mar. Alexander Lillington to Caswell.
 June. Arthur Campbell to Caswell.
 June. John Donaldson to Caswell.
 1781, Sept. Malmédy, Chevalier de. General Orders.
 Oct. William Davidson to Jethro Sumner.
 Oct. Lafayette to Sumner.

Confederate States of America:

- Army. Miscellaneous vouchers and pay certificates, 1861-5 (5 pieces); Record book of circulars received and issued at headquarters of the 2d Alabama brigade, 1863-4. (1 vol.)
 Receipts for the disbursement of specie funds of the Confederate States, 1865, May. (22 documents)
 Official correspondence and records of the Confederate State Department, 1861-5. (23 vols. and 59 packages, known as "The Pickett Papers")

INDIVIDUAL STATES

Florida:

- Papers relating to civil commotions in West Florida; Andrew Jackson and Fulwar Skipwith correspondence, 1799-1827. (66 pieces)

District of Columbia:

- Minutes of proceedings of the Manual Labor School and Male Orphan Asylum Society from its inception to its termination, 1835-61.. (1 vol.)

Kentucky:

- Tax lists, 1792-98. (55 documents)

Louisiana:

- Bernard de La Harpe. Journal historique concernant l'établissement des François à la Louisianne tiré des memoires de MM. D'Iberville et de Bienville *etc.* (Copy made in 1764 by Chev. de Beaurain. 1 vol.)

Massachusetts:

- Muster rolls of companies of the 59th Volunteers, 1864. (3 pieces)

North Carolina:

- 1781, Jan. Legislative resolves.
 June Jethro Sumner to Gov. Thomas Burke.
 July Thomas Burke to James Iredell.
 July Richard Caswell to Brig. Gen. William Caswell.
 Aug. William R. Davie to Thomas Burke.
 Sept. Griffith Rutherford to Burke.
 1782, Mar. John Butler to Burke.

Ohio:

Deed of sale of State lands to Samuel Warrick, 1836.

Pennsylvania:

Philadelphia grand jury indictment, 1711, July.

Texas:

Certificate of indebtedness on the public debt of the late republic, 1850.

Virginia:

1648-89. Register of births, baptisms and deaths in Charles Parish, York county.

1736, Sept.-Nov. Minutes of proceedings of Commissioners relative to Lord Fairfax's claim to Northern Neck.

1781, Mar. Gov. Thomas Jefferson to Gov. Thomas Burke.

1785, Feb. Gov. Patrick Henry to Gov. Richard Caswell.

MISCELLANEOUS

Account Books:

Doar, E. M. Plantation books, 1851-62. (2 vols.)

Smith, W. B. & Co. Journal, 1851-3. (1 vol.)

Yancey, Benjamin C. Plantation book of the Coosa River plantation, Alabama, 1842-65. (1 vol.)

America, British Colonies in:

1664. Richard Nicolls' commission as deputy governor of New England. (Early copy)

1682-1774. Copies of various papers relating to America, cultivation of the vine, North Carolina, Pennsylvania, Mississippi River, etc. (1 vol.)

Great Britain:

England. 1661, Dec. Order of Council for Trade on petition of John Clerke *in re* kidnapping.

England. 1692/3-1696/7. Privy Seal docquets of all grants of any part of their majesties revenue. (1 vol.)

Oaths required of Highlanders (n. d.) (Typewritten copies)

Journals and Diaries:

Anonymous. Diary of French naval operations in America, 1779-82.

Chandler, W. P. Letter book and diary, 1854-6.

Jennison, William. Diary, 1775-80.

Newburger, A.—. Diary, 1864, Apr.-July.

Thompson, Gilbert. Diary, 1861-5.

Waddel, John Newton. Diary, 1862-4.

Waddel, Moses. Diary, 1822-9.

Wiltberger, Christian, jr. Diary, 1821.

Mexico:

1638, Feb. Contemporary copy of the will of Juan de Angulo?

1687. Dramas in the old Aztec or Nahuatl language. (1 vol.)

1754-1851. Miscellaneous political, legal and ecclesiastical papers. (3 vols.)

1758. Religious introspections and meditations. (1 vol.)

1847, Apr. Santa Anna. Miscellaneous military and official letters and documents sent to. (90 pieces)

— Miscellaneous receipts, signatures, etc. (1 vol.)

Orientalia:

The Koran, (Illuminated Arabic text of the 10th century, 1 vol.);
also extracts from same, Persian text. (1 vol.)

Poetry:

Saunier, Eugène. "Boite à Ordures." (2 vols.)

Tilton, Theodore. Poems. (3 vols.)

Religion:

Friends. "A collection of Christian and brotherly advices . . . by the yearly meetings . . . for Pennsylvania and New Jersey, held alternately at Burlington and Philadelphia." 17th and 18th centuries. (1 vol.)

Helwys, T. A declaration of faith of the English people remaining at Amsterdam in Holland, 1611. (Typewritten copy)

Shakers. Miscellaneous manuscript record books, letters, laws, regulations, hymn books, diaries, etc., of the Union Village, Ohio, settlement, 1782-1877.

Whitsitt, William H. "Sidney Rigdon, the real founder of Mormonism" 1793-1876. (1 vol., typewritten)

Slave Papers:

Proceedings in trial of Michael Capper for abducting a slave, 1797. (Contemporary copy)

West Indies:

San Domingo. Letters of Toussaint L'Ouverture, 1798-9. (4 pieces)

PERSONAL

Adams, John Quincy. Letters to James Madison, 1811-16. (2 pieces)

Barker, Jacob. Letter to Benjamin F. Butler, 1827.

Benton, Thomas H. Letter to ——? 1847.

Berrien, John Macpherson. Letters to George W. Crawford, 1842-6. (7 pieces)

Bromberg, Frederick G. Letters from Wager Swayne, 1867-9 and Raphael Semmes, 1873-4. (15 pieces)

Buchanan, James. Letter to Henry Simpson, 1834 and to Mrs. Catherine M. Ellis, 1867.

Campbell, John A. Letter to Philip Phillips, 1870, Jan.

Clay, Henry. Letter to H. B. Bascom, 1826, Apr. and to James K. Polk, 1843, May. (Typewritten copy)

Cooley, Thomas M. Portion of draft of speech before the Boston Merchants' Association, 1889, Jan.

Crawford, George W. Letter to Gabriel Jones, 1850, Mar. and to Robert Toombs, 1852, Aug.

Curry, Jabez Lamar Morton. Papers of, 1847-1903.

Downes, John L. Power of attorney, 1773, Feb.

Eaton, John H. Letter to William Polk, 1824, Dec.

Elliott, George and William Williams. Agreement for a horse race, 1812, Nov.

Fessenden, William Pitt. Letters from various people, 1854-69. (About 200 pieces)

- Floyd, John. Correspondence of, 1823-66. (30 pieces)
- Frailey, Adam. Miscellaneous papers of. 1790-96. (7 pieces)
- Harrison, Jesse Burton. Letters from Europe, 1829-31. (31 pieces)
- Hawks, John M. and Esther H. Correspondence, 1861-7.
- Henry, Patrick. Miscellaneous papers and correspondence of, 1776-1818. (30 pieces)
- Hoge, Moses. Letter to Susan Rumsey Frailey Skiles, 1793-1808. (5 pieces)
- Jackson, Andrew. Miscellaneous personal and private papers.
- Johnson, Samuel. Letter to Joseph Hewes, 1776. (Recent copy)
- Johnson, William Samuel. Miscellaneous papers of, 1765-90. (21 pieces)
- King, Horatio. Papers of, 1839-91. (7 vols.)
- King, William R. Letters to Philip Phillips, 1851, Mar.; 1852, June, Nov.
- Langworthy Family. Memorandum, reminiscences, etc., of Lyman Barker Langworthy, 1707-1860. (Typewritten copy)
- Lorton, John. Letter to Abraham Lincoln, 1861.
- Lossing, Benson J. Letter to Leonidas Polk, 1852, June.
- McClellan, George Brinton. Papers of, 1841-1885.
- McRee, James. Letter to William Polk, 1820, Mar.
- Madison, James. Notes in the Constitutional Convention, 1787; letter to ———?, [1809]
- Mason, George. Notes in the Constitutional Convention, 1787.
- May, John Frederick. "The mark of the scalpel", 1887.
- Mercer, John. Letter to George Washington, 1756, Apr.
- Monroe, James. Letter from the American Colonization Society committee, 1817. (Copy by Henry Clay)
- Morgan, George. Miscellaneous letters and papers, 1775-87. (27 pieces)
- O'Connor, Charles. Letters to Philip Phillips, 1865, Oct.; 1867, Oct.
- Phillips, William Hallett. Miscellaneous papers relating to the Yellowstone National Park, 1884-91. (31 pieces)
- Pickett, John T. Miscellaneous papers relating to his diplomatic missions to Mexico, sale of the Confederate archives, Santa Anna's attempt to reestablish himself in Mexico and personal matters, 1852-1883.
- Plumer, William. Miscellaneous papers of, 1782-1838.
- Polk, Leonidas. Letter to Benson J. Lossing, [1852?] May.
- Polk, Thomas. Petition of Salisbury field officers for his appointment as Brigadier general of North Carolina militia, 1781, May; appointment as Brigadier general, 1781, May.
- Polk, Thomas G. Letter to Leonidas Polk, [1852?] June.
- Polk, William. Autobiographic notes.
- Procter, A. C. (Mrs.) Letter to her brother, 1865.
- Randolph, John, of Roanoke. Portion of an autograph letter. (n. d.)
- Rumsey, James. Papers relating to James Mechen's suit against executors, 1784-1802 (Typewritten copies); letters to Charles Morrow, 1789-90. (4 pieces)

- Santa Anna, Antonio Lopez de. Letter to Antonio Faboada, 1868.
 Santander, Francisco de Paula. Letter to Mons. Julien, 1830.
 Sherman, John. Papers of, 1859-93.
 Shippen, William, jr., Letter to Nathanael Greene, 1780, Feb.
 Stanton, Edwin M. Papers of, 1861-68.
 Stephens, Alexander H. Memorandum respecting his dog Rio.
 Stevens, Thaddeus. Letter to O. F. Johnson, 1837, Apr.
 Stevenson, Andrew. Letter to J. D. S. Brownely, 1832, July.
 Thomas, Joseph C. Correspondence and papers relative to the U. S. Christian Commission libraries during the Civil War.
 Twiggs, David E. Memorandum respecting the removal of the Seminoles from Florida, 185-?
 Tyler, John. Letter to his son Robert, 1836 and to Henry A. Wise, 1852.
 Waddel, Moses. Letter book of letters received, 1793-1806; autobiographic memoir, 1778-92.
 Washington, Bushrod and Lawrence Lewis, Circulars *in re* the Washington estate, 1809, 23. (2 pieces)
 Washington, George. Letter to Jethro Sumner, 1781, Oct.
 Webster, Daniel. Letters to. 1843-51. (3 pieces)
 Welles, Gideon. Papers of, 1787-1880.
 White, John. Letters to Polly Alexander, 1757-9. (11 pieces)
 Wilkins, William H. Letter to Mrs. Dolly Payne Todd, 1794, Aug.
 Wood, Henry Clay. Ancestral record.
 Wright, John Crafts. Letter to Mrs. Wright, 1827.

BROADSIDES

United States:

- Continental Congress. Resolve, 1785; Ordinance, 1787.
 Congressional Act providing for printing of laws and treaties, 1791, Feb.

President Jefferson's circular letter to Governors of the States, 1808.

Confederate States of America:

- Form of statement of property for taxation, 186-.
 Patriotic prayer for the Southern cause, 186-.

District of Columbia:

- Statistics of Washington, 1859.

Georgia:

- Sale of negroes by James L. Coleman, 1856.

Great Britain:

- England. Parliament, Act exempting from export duty goods shipped to Virginia, Barbadoes, Bermuda and other places in America, 1646, Jan.

O'Connell, Daniel. His sentiments on American slavery.

Maryland:

- Legislative resolves proposing amendment of the U. S. Constitution, 1800.
 General Dix's Proclamation, 1861, Sept.

Massachusetts:

Resolve of Council on resolve of the Continental Congress of Oct. 18, 1775; Information for American, Canadian and British newspapers for a celebration of the hundred years of peace between the United States and Great Britain; various gubernatorial proclamations, 1910-11; miscellaneous broadsides, 1717-73.

Mexico:

Rescript by the Patriarch of the Indies of the bull of Santa Crusada of Paul V, 1681, May; miscellaneous political, legal and ecclesiastical broadsides, 1754-1851. (3 vols. and 1 package)

New England:

Miscellaneous broadsides, 1782-1865.

New York:

Kennan, George. Comments on his Siberian articles, [1888]
New York City butchers' memorial to the State Legislature [n. d.]
Miscellaneous broadsides and literature of the political campaign of 1910.

Philippine Islands:

Broadsides and other advertising literature of the Moro and Zamboanga fair, 1911.

South Carolina:

Plan of state action, 1851.
Proceedings of meeting and list of members of the Southern Rights Association, 1851.

Tennessee:

Gen. Sherman's letter to Maj. R. M. Sawyer, 1864, Jan.

Virginia:

Election ticket, 1861, for President and Vice President of the Confederate States of America.

Miscellaneous:

Facsimile of the entire Constitution of the United States with signatures.
Miscellaneous broadsides relating to Jefferson Davis (2 pieces)
Menus of Prince Henry of Prussia's trip from Bremen to New York, 1902.
Menus of miscellaneous banquets held at New York, Boston, etc., 1907-10.
Photographic copies of pages of the Genoese and Washington Columbus codexes.
Photographic reproduction of portraits of the members of the House of Representatives, 36th Congress, with key to their names, 1860.

III. LIST OF TRANSCRIPTS FROM MANUSCRIPTS IN THE BRITISH MUSEUM AND PUBLIC RECORD OFFICE

BRITISH MUSEUM:

Selections from the following volumes:

Additional Manuscripts

- 6058 Account of Bahama Islands.
- 10131 Deeds relating to land in the Bermudas.
- 10453 Treasury Papers, 1703-1713, Vol. I.
- 15491 Papers relating to Canada.
- 15492 Expedition to Newfoundland, 1697.
- 15556 Abstracts of titles, etc., 1687-1800.
- 17019 Hyde Papers, Miscellaneous, Vol. II.
[Selection is account of revenues in Jamaica, 1679]
- 18389 Original letters, etc.
[Selection is Admiral Benbow's account of engagement off Santa Martha, 1702]
- 18683 Letters of A. Hutcheson, 1733-4.
- 18986 Papers relating to the Navy, 1644-1699.
- 19038 Miscellaneous Papers, 1619-1786.
- 19049 Papers relating to Nova Scotia, etc.
[Selection is appraisal of Wakefield Plantation, Jamaica]
- 22186 Johnson Papers. Miscellaneous letters, 1662-1720.
[Letter of Wm. Beeston selected]
- 25115 Copies of papers relating to the Board of Trade, 1660-1662.
- 27777 Contributions to the Public Advertiser, 1763-1780.
- 27957 Sailing Directions for the River St. Lawrence.
- 28140 Description of the West Indies, 1718.
- 29587 Hatton-Finch Papers. Miscellaneous Political Papers. 1559-1704.
- 29800 Entry book of cases of Chancellor Finch, 1673-1682.
- 30163 Scarcity of Money in Jamaica, 1750.
- 30999 Miscellaneous.
[Selection: sailing directions for the Capes of Virginia]

Newcastle Papers: Official correspondence of Thomas Pelham Holles, Duke of Newcastle.

Home correspondence:

- 32707 Vol. XXII. Apr.-July, 1746.
- 32708 Vol. XXIII. Aug.-Sept., 1746.
- 32731 Vol. XLVI. Jan.-May, 1753.
- 32732 Vol. XLVII. June-Sept., 1753.
- 32733 Vol. XLVIII. Oct.-Dec., 1753.
- 32734 Vol. XLIX. Jan.-Mar., 1754.
- 32735 Vol. L. Apr.-June, 1754.
- 32736 Vol. LI. July-Sept., 1754.
- 32737 Vol. LII. Oct.-Dec., 1754.

BRITISH MUSEUM.

Selections from the following volumes:

Newcastle Papers:

Diplomatic correspondence:

- 32740 Vol. LV. Aug.-Sept., 1724.
- 32741 Vol. LVI. Oct.-Dec., 1724.
- 32742. Vol. LVII. Jan.-Mar., 1725.
- 32743. Vol. LVIII. Apr.-July, 1725.

Hardwicke papers:

- 35913 Vol. DLXV. Papers relating to Canada and Newfoundland, 1712-1764.
- 36054 Vol. DCCVI. Notes of Cases (Chancery) Oct. 1743-May 1744.
[Selection: Penn against Baltimore]
- 36063 Vol. DCCXV. Notes of Cases (Chancery) Feb.-Nov., 1750.
[Selection: Penn against Baltimore]
- 36068 Vol. DCCXX. Notes of Cases (Chancery) Feb., 1755-Mar., 1756.
[Selection: Penn against Baltimore]
- 36179 Vol. DCCCXXXI. Miscellaneous Chancery Papers, 1757-1772.
[Selection: Penn against Baltimore]
- 36182 Vol. DCCCXXXIV. Notes and Judgments in Chancery, 1749-1756.
[Selection: Penn against Baltimore]
- 36216 Vol. DCCCLXVIII. Privy Council Cases, 1722-1743.

Stowe Manuscripts:

- 463 Richards Collection, Vol. XVII.
Journals of M. Richards, 1696-97, 1700.
- 464 Richards Collection, Vol. XVIII.
Letter-book of M. Richards, 1700-1703.
- 477 Richards Collection, Vol. XXXI.
Ordnance Reports of M. Richards, 1711-1714.
- 482 Ordnance Stores, 1726.
[Selection: State of ordnance and stores at Annapolis Royal, Nova Scotia, and Placentia, Newfoundland, 1725]

Egerton Manuscripts:

- 921 Copies of Commercial and Historical Papers, 1667-1727, Vol. I.
[Selection: Trade in Newfoundland, 1706]
- 1720 Bentinck Papers. Correspondence respecting Demerara, 1762-1766.
- 2134 Political Papers, etc., 1618-1817.
[Selection: list of slaves on Butt River Plantation]

BRITISH MUSEUM.

Selections from the following volumes:

Sloane Manuscripts:

- 1378 Tract. Var. Historici Philosoph., etc.
[Selection: Acts passed at a Grand Assembly,
James City, Va., 1657]
- 1426 Maynard's Book of Navigation and Sea Journal.
- 1519 Original letters, 1574-1667.
[Selections relate to St. Christopher]
- 1599 Minutes of Council in Jamaica, 1687-1689.
- 2202 S. Doody, Plants of Virginia.
- 2346 Observat. on Medicines & plants.
[Lists of trees and shrubs from Madeira, Barba-
does and Caribbee Islands]
- 2441 Description of Barbadoes.
- 2724 Papers of the Earl of Carlisle relating to Jamaica.
- 2752 Voyages 1679-1682.
[Voyages under command of Captain John
Coxon]
- 3321 Letters to J. Petiver, 1689-1712.
- 3332 Petiver Adversaria.
[Selection: list of trees, shrubs, etc., from Bar-
badoes, 1683]
- 3339 J. Petiver, Adversaria.
[Selections: Natural history, Virginia, New
York, Boston, 1692 and 1712]
- 3340 Petiver Adversaria.
[Selection: letter from Cotton Mather, 1716]
- 3644 Alchemical Tracts.
[Selection: voyage of Captain Jean Ribault,
1562]
- 3918 Barham's account of Jamaica.
- 3984 Collection of Sir H. Sloane's loose papers.
- 3986 Miscellaneous Historical and Geographical.
[Selections relate to Jamaica]
- 4002 Bannister Plantar. Virginia Delineat. Plantar.
- 4020 Miscellaneous Papers relating to Natural History.
[Selection: Corbett's observations in Jamaica,
1670-1673]
- 4067 Sir H. Sloane's Papers; Vol. XXXII.
[Selection: letter of John Lawson to James
Petiver]
- 4070 Catalogues of Plants.
[Selection: lists of plants collected in Barba-
does]

PUBLIC RECORD OFFICE:

Colonial Office, Class 5. [New series, made up chiefly from the old "America and West Indies" series.]

- Vol. 13. Governors in America, 1743-1754. [A W I 66]
- Vol. 43. Detached American Papers 1743-1783. [A W I 448]
- Vol. 69. Plantations General, 1768. [A.W I 272]
- Vol. 70. Plantations General, 1769. [A W I 273]
- Vol. 71. Plantations General, 1770, C. [A W I 274]
- Vol. 72. Plantations General, 1771. [A W I 275]
- Vol. 73. Plantations General, 1772. [A W I 276]
- Vol. 74. Plantations General, 1773. [A W I 277]
- Vol. 75. Plantations General, 1774. [A W I 278]
- Vol. 76. Plantations General, 1775. [A W I 279]
- Vol. 77. Plantations General, 1776. [A W I 280]
- Vol. 78. Plantations General, 1777. [A W I 281]
- Vol. 79. Plantations General, 1778. [A W I 282]
- Vol. 80. Plantations General, 1779. [A W I 283]
- Vol. 81. Plantations General, 1780. [A W I 284]
- Vol. 115. Memorials, Vol. 2. [A W I 294]
- Vol. 116. Memorials and Petitions, 1775-1779. [A W I 295]
- Vol. 177. Commissioners for Restoring Peace to the Colonies, 1776-1778. [A W I 301]
- Vol. 195. Plantations, 1729-1733. [Commissions and Instructions to Governors]
- Vol. 196. Commissions and Instructions to Governors, 1734-8.
- Vol. 198. Commissions and Instructions to Governors, 1738-1741.
- Vol. 199. Plantations, 1741-2. Duke of Newcastle. [Commissions and Instructions to Governors]
- Vol. 200. Plantations, 1744-1754. [Commissions and Instructions to Governors]
- Vol. 201. Instructions to Governors, 1763-6.
- Vol. 202. Trade orders and Instructions to Governors, 1767.
- Vol. 203. Instructions, 1769-1771. [To Governors]
- Vol. 204. America and West Indies. Patent Book. Plantations General. [A W I 395]
- Vol. 205. Instructions, 1771-4. [To Governors]
- Vol. 206. Instructions, 1774-8. [To Governors]
- Vol. 207. Instructions, 1778-1782. [To Governors]
- Vol. 208. Instructions to Governors. [1784-6]
- Vol. 283. Some Observations on the Right of the Crown of Great Britain to the North West Continent of America, 16 April, 1739. [A W I 627]

APPENDIX IV

LEGISLATIVE REFERENCE BUREAUS

LETTER FROM THE LIBRARIAN OF CONGRESS TRANSMITTING SPECIAL REPORT, WITH TEXT OF PROPOSED BILLS

LIBRARY OF CONGRESS

OFFICE OF THE LIBRARIAN

Washington, April 6, 1911

Mr. PRESIDENT: The introduction, at the second session of the Sixty-first Congress, of several bills looking to the establishment of a legislative reference (and bill drafting) bureau at Washington indicates an interest in the subject which will induce discussion and perhaps specific action. The accompanying documents are submitted as contributing preliminary information which may be of service. They are:

LEGISLATIVE REFERENCE WORK

1. Memorandum as to the functions of such a bureau.
2. New York State: Two decades of Comparative Legislation. Extract from an address by Dr. Robert H. Whitten, librarian New York Public Service Commission, first district, at joint session of National Association of State Libraries and American Association of Law Libraries, July, 1909.
3. Wisconsin: Extract from a paper by Dr. Charles McCarthy (read before the Portland conference, 1905, of the American Library Association) descriptive of such functions and the requirements, based particularly upon the experience in Wisconsin.
4. Comparison of New York and Wisconsin plans for legislative reference work. Extract from an address by Mr. Johnson Brigham, State librarian of Iowa, before the National Association of State Libraries, May, 1907.
5. Compilation of laws establishing legislative reference bureaus in various States.
6. Legislative reference bulletins published in the various States.
7. Subjects treated in the reference lists issued by the Library of Congress.

INDEXES AND COMPILATIONS OF LAW

8. Extract from Librarian's letter of estimates of October 6, 1902, and a communication to the subcommittee on appropriations, December 3, 1902, with reference to a permanent corps for such a purpose.
9. Memorandum prepared in 1907 by Dr. George W. Scott, law librarian of the Library of Congress, on statutory law service. [The

work of preparing an index to the Statutes at Large, since completed by the issue of the second volume in January, 1911, was then in operation at the law library, under appropriation by Congress. The memorandum proposed that the corps of experts organized for this purpose should be continued and enlarged as a permanent corps for the preparation of other indexes, digests, and compilations of law.]

BILL DRAFTING

10. Extract from an address by Hon. James Bryce (British ambassador) before the New York State Bar Association, January 24, 1908.

11. Extract from F. J. Stimson's "Popular Law-making," 1910, entitled "The need of parliamentary draftsmen."

12. Extract from Recommendation of a Committee of the American Bar Association (headed by Judge Baldwin), "On improving methods of legislation," proposing (for each State and the United States) a "joint standing committee (of the legislative body) for the revision of bills," with power to employ experts.

13. Extract from Dr. Paul S. Reinsch "American legislatures and legislative methods," 1907.

14. Statutes and rules relating to bill drafting—New York and Connecticut.

15. Extracts from the messages of the governors of Connecticut; 1907, Gov. Woodruff; 1909, Gov. Lilley; 1911, Gov. Baldwin.

16. Bill drafting in Great Britain and the British colonies. Extracts from "Legislative methods and forms," by Sir Courtenay Ilbert, 1901, and from the Journal of the Society of Comparative Legislation, volumes 1-2, and new series, volumes 1-2.

STATISTICS

17. Bills and joint resolutions introduced in Congress and laws passed (56th to 61st Congresses, inclusive). State and Federal Legislation, 1906-7 and 1907-8.

BILLS INTRODUCED IN THE SIXTY-FIRST CONGRESS

18. Proposals for a national bureau: Bills introduced at the second session, Sixty-first Congress, also amendment to the sundry civil bill adopted in the Senate, but not included in the bill as enacted.

General considerations.—The main object is the improvement of legislation. The means proposed are—

1. Improvement in substance by the assurance of adequate data.
2. Improvement in form through the employment of experts considering form alone.

The data.—In so far as these consist of printed literature in its regular forms, they are already available to Congress in the Library of Congress, its collections (of statutes, decisions, commentaries, and the miscellaneous literature of statistic, theory, and discussion) being already one of the largest in the world, and undergoing improvement without stint.

All of the above is classified, catalogued, and made to respond to any particular query, whether from Congress as a whole or any committee of Congress or any individual Member. Lists of references to the material (whether document, monograph, society publication, or periodical) bearing upon particular topics under discussion in Congress—exactly such lists as are issued by certain State legislative reference bureaus—are issued by the Library of Congress (for examples see Appendix No. 7). Other such lists exist in typewritten form and are freely supplied upon request. A request, whether from Congress, or a committee, or a Member for similar references to topics not so broadly treated, is always met by the Library within its abilities. The staff of the Library includes men highly expert in the preparation of such lists, so far as this is within the scope of bibliography proper or research work of a bibliographic nature.

A legislative reference bureau goes further. It undertakes not merely to classify and to catalogue, but to draw off from a general collection the literature—that is, the data—bearing upon a particular legislative project. It indexes, extracts, compiles. It acquires extra copies of society publications and periodicals and breaks these up for the sake of the articles pertinent to a particular subject. It clips from newspapers; and it classifies the extracts, the compilations, the articles, and the clippings in scrapbook, or portfolio, or vertical file, in such a way that all material relating to that topic is kept together and can be drawn forth at a moment's notice. To printed literature it often adds written memoranda as to fact and even opinion as to merit, which it secures by correspondence with experts.

The above work, which organizes and concentrates all the data pertinent to a question in such form as to be readily responsive, is beyond the abilities of the Library with its present organization. The Library would gladly undertake it; it could undertake it without additional appropriation for the material itself, so far as this is in printed form; but it would require for it an enlargement of its present Divisions of Law, Documents, and Bibliography, and in addition the creation of a new division under the title of a Legislative or Congressional Reference Division.

Indexes, digests, and compilations of law.—As to the utility of such, and the qualifications requisite, I have no reason to modify the opinions submitted with my estimates of 1902. The ensuing experience with the index to the Statutes at Large but confirms the opinion that the work of indexing the statutes, even the Federal statutes of this country, requires scientific treatment by a corps of experts with a substantial general education, legal training, and experience in this class of work, and selected with regard solely to these qualifications. It confirms also the expectation that where the Library was charged with such a task the men would be so selected and the work would be scientifically accomplished.

Such a corps once organized and experienced, the economy of continuing it as a permanent bureau is obvious, as, on the other hand, is the extravagance of dispersing it. The corps which handled this par-

ticular work on the Federal Statutes would not of course be sufficiently large, or contain the varied accomplishments requisite for indexes, digests, and compilations of the various material of concern to Congress and to the Federal authorities; especially would it be lacking in experts qualified to deal with the legislation of foreign countries (the interest of which is of relatively small concern to State legislators, but is of increasing concern to Congress). The organization suggested in my estimates of 1902 might be suitable as a beginning; the salaries would, however, be altogether too small. The conduct of the work in particular should require a salary of \$5,000.

Bill drafting.—The drafting of bills, or the revision with reference to form of bills drafted and otherwise ready for enactment, certainly requires experts educated to an accurate use of the English language, trained in the law, competent to ascertain and compare precedent legislation, and, so far as practicable, exactly familiar with this. (See various appendixes, including the memorandum of our law librarian, 1907). The familiarity with antecedent and comparative legislation gained through the indexing, digesting, and compiling of it, would doubtless be a valuable auxiliary qualification in any bill drafter. It can not, however, be said that for the drafting of bills the current association with such other work is indispensable. The bill drafter should have its results at hand; should be expert in the use of them; but he need not necessarily himself have produced these results in order to utilize them properly.

Assuming therefore that the work of a legislative reference bureau (in addition to that part of it which is already being undertaken here), should be undertaken by the Library of Congress, and that the work of indexing, digesting, and compiling laws should be part of it, it does not necessarily follow that the drafting or revision of the bills themselves should be associated with it. That Congress should employ a corps of bill drafters is obvious; that these should be experts, and non-partisan, whose purpose would be purely scientific, is equally obvious; but these considerations ought not to imply that the qualifications could be secured only by the selection and maintenance of a corps outside of the legislative establishment. Congress might well prefer otherwise; and there seems no necessary obstacle to the creation of a corps of experts as part of the organization of Senate and House, provided Congress itself really desires that the sole considerations in the selection of the men shall be those above noted.

Wherever the work is to be placed, the provision for it should be ample. Its efficiency will depend not upon a large number of routine workers, but upon the high qualifications of a few. No expert adequate to such a task could be secured for less than a salary of \$5,000, and at least four or five experts of this grade should be requisite, aided by an auxiliary corps of clerks, stenographers, etc.

Even then it is clear that the service of such experts should not be dissipated needlessly. To invoke them at the initial stage of every bill introduced would be extravagant, and cast upon the corps an overwhelming burden (this will appear upon consideration of the num-

ber of bills introduced into a single Congress—during the Sixty-first, for instance, some 44,000). The drafters should be at the disposal of any committee considering or proposing to report a bill. Beyond this they ought not to be called upon, unless in connection with some projected bill of interest to a considerable group.

The organization requisite to a congressional (legislative) reference bureau will therefore depend upon the functions proposed for such a bureau, whether (1) merely the acquisition of the data, the organization of these to respond to the legislative need, and the aid to their use; or in addition to this, (2) the preparation of indexes, digests, and compilations of law not having directly such ends in view; or in addition to both the above, (3) the drafting and revision of bills.

In any case it must be emphasized—

1. That the organization must be elaborate beyond that provided by any State, since the subjects to be dealt with are far wider in scope, the material more remote, more complex, and more difficult, and the precedents less available.

2. That (the field being unique) the needs (in the way of organization) can be ascertained only by experiment. The first appropriation should be, therefore, a "lump sum."

3. That for the work to be scientific (i. e., having only truth as its object) it must be strictly nonpartisan; and that, therefore, whatever the appointing or administrative authority, the selection of the experts and the direction of the work should by law and in fact be assuredly nonpartisan.

Respectfully submitted

HERBERT PUTNAM

Librarian of Congress

THE PRESIDENT OF THE SENATE

LEGISLATIVE REFERENCE WORK

EXHIBIT I.—FUNCTIONS OF A LEGISLATIVE REFERENCE BUREAU

The work of a legislative reference bureau may include any or all of the following kinds of service, ranging from library work proper to that which is purely legislative. Intermediate between these extremes are certain classes of work which are special extensions of the ordinary activities of a legislative library, of direct and immediate importance for legislation.

1. LIBRARY WORK PROPER (already provided for at the Library of Congress):

- (a) *Acquisition of the literature.*—This is being undertaken at the Library of Congress to an extent probably unparalleled elsewhere, the collections of the Library (in statutes, reports, commentaries, and miscellaneous literature, and in the published indexes, digests, and compilations auxiliary to the use of these) being probably the largest extant and improved by incessant effort.

- (b) *Reference work*.—Selection of suitable material from the general collections to meet the demands of an individual legislator, with the aid of the subject catalogue of the Library and general reference works or from the reference librarian's personal knowledge of the subject.
 - (c) *Bibliographic work*.—Preparation of special lists of references on subjects of current interest to the legislator, with such critical and analytical notes as can readily be made, involving search for titles in printed catalogues of various libraries, bibliographies, indexes to periodicals, etc., and acquisition of publications of importance found to be wanting.
2. INDEXES, COMPILATIONS, AND DIGESTS OF LAWS, ETC. (index to the general laws in the Federal statutes up to 1907 completed and published by the Library of Congress).

- (a) *Indexes*.—Detailed indexing of statutes, court reports, Government documents, etc., of this and other countries to locate exactly by volume and page the text of laws on special subjects, decisions of the courts interpreting them, administrative regulations, and statistical or other information showing the results of their operation, to enable comparison to be made between the laws of various countries.

An appropriation of \$28,000 to enable the Library of Congress to prepare an index of comparative legislation was asked for in 1902 and succeeding years, but not granted.

- (b) *Compilations and digests*.—Compiling (and translating when necessary) from printed official sources, with the aid of the above index, exact legal, political, and economic information on subjects of current legislation, and digesting the same in legislative reference bulletins for immediate use in drafting bills, and to enable the legislator to judge of the merits of proposed laws without elaborate research.

The Wisconsin comparative legislation bulletins may be cited as examples.

3. SPECIAL COLLECTIONS.

- (a) *Testimony of experts*.—Collection of the opinions of specialists on subjects of current legislation or on a particular bill for the use of the committee to which it has been referred.
- (b) *Press opinions, magazine articles, etc.*—Collection of newspaper clippings, articles in magazines, etc., to show the state of public opinion in regard to projected legislation, and arrangement of the material in convenient files for ready reference during the discussions in the legislature.

4. LEGISLATIVE WORK.

- (a) *Bill drafting*.—Utilization of all of the resources of the bureau to draft bills or amendments in accordance with definite instructions furnished by a committee, a group of members, or, possibly, the Executive, involving a study of the existing law as interpreted by the courts, legislation for similar purposes in other countries, and the probable effect of the proposed enactment.
- (b) *Explanatory memoranda*.—Preparation of synopses of bills and brief notes explanatory of their provisions.

EXHIBIT 2.—NEW YORK STATE

TWO DECADES OF COMPARATIVE LEGISLATION

[Extract from address by Dr. Robert H. Whitten, librarian New York Public Service Commission, first district, at joint session of National Association of State Libraries and American Association of Law Libraries, July, 1909. In A. L. A. Bulletin, vol. 3, no. 5, p. 296-298.]

When in 1890 Melvil Dewey initiated the legislative reference movement by appointing a legislative librarian in the New York State library, he started a movement that has been most fruitful for the study of comparative legislation. In drafting a new law there is no more profitable study than an investigation of the laws and experience of other States and countries. Almost the first question asked in relation to a proposed enactment is as to whether the same law is already in force in any other State. It was natural, therefore, that an index to the current laws of the various States should be one of the first tasks of the legislative librarian, in order that he might serve most efficiently the needs of the legislature.

The comparative summary and index of State legislation, thus begun in 1890, at the New York State Library, has been continued now for almost 20 years. The work was first undertaken and the index started by W. B. Shaw, now one of the editors of the American Monthly Review of Reviews. It was later taken up and developed by E. Dana Durand, now director of the United States Census. Following Mr. Durand, I had the opportunity of continuing the work so well begun, for nine years, from 1898 to 1907, and it has since been continued, as you know, by Mr. Bramhall and Mr. Lester. In 1901 the scope of the work was materially broadened and its usefulness greatly increased, I think, by the addition of the annual review of legislation. In this review competent specialists review the legislation of the year, thus placing the new law in its relation to previous laws in the same or other States and subjecting it to careful evaluation and criticism.

* * * * *

While we have the very highest conception of the legislative reference bureau and its work in comparative legislation, we realize that there are other very important factors necessary for the production of

efficient legislation. The legislative reference bureau will supply the systematic collection of information. It will collect and collate much of the information that will be needed in the scientific investigation of legislative problems.

In addition to a bureau for the collection and collation of information it is desirable that each proposed bill should be drafted or revised by expert draftsmen. This work in some States is being performed by official draftsmen, appointed by the legislature. In other States it is being taken up by the legislative reference bureaus. My own opinion is that the legislative reference bureau should proceed cautiously in this matter. While it is highly desirable that it should aid in the constructive work necessary for the elaboration of an important project of law, there is some danger that its time may be so taken up with the formal drafting and copying of innumerable petty bills that it will have insufficient time for the more important constructive work.

In addition to the legislative reference bureau and the bill-drafting work, it seems to me that for efficient legislation there must be in each State a State bureau of statistics with skilled accountants and statisticians continually at work collecting facts essential to intelligent legislation. There are numerous statistical facts that should be known in order to judge intelligently concerning the need of this or that proposed legislation. There are numerous statistical facts that should be currently reported and tabulated in order to judge as to what has been the actual effect and value of a given regulation or expenditure. It should be the business of the bureau of statistics to supply this knowledge.

But in addition to the legislative reference bureau, the official draftsman, and the bureau of statistics, in order that we may have efficient legislation, it is necessary that the special knowledge of the expert should be freely used. For the construction of a house we employ an architect, for the building of a bridge we employ an engineer, but for the elaboration of an intricate and technical statute no expert knowledge is deemed essential. This is the height of stupidity. Legislative committees should employ experts of all kinds—engineers, economists, accountants, physicians, actuaries, and in fact specialists of every class who are capable of disinterested scientific investigation.

With the development of a more efficient State administration the legislature will naturally look to the highly trained experts employed in the various departments to make the necessary scientific investigations for many of the proposed laws. As the State service becomes more permanent, as its importance increases with the complex duties of supervision and regulation, the number of highly trained men in the various departments increases.

EXHIBIT 3.—WISCONSIN

[Extract from a paper on Wisconsin's legislative reference department, by Dr. Charles McCarthy. A. L. A. Papers and Proceedings, Portland Conference, 1905, pp 244-245.]

In answer to constant inquiries, I have compiled some essentials for work in helping the cause of good legislation, similar to the work done by our department here.

1. The first essential is a selected library convenient to the legislative halls. This library should consist of well-chosen and selected material. A large library is apt to fail because of its too general nature and because it is liable to become cumbersome. This library should be a depository for documents of all descriptions relating to any phase of legislation from all States, Federal Government, and particularly from foreign countries like England, Australia, France, Germany, and Canada. It should be a place where one can get a law upon any subject or a case upon any law very quickly. It is very convenient to have this room near to a good law library. Books are generally behind the times, and newspaper clippings from all over the country and magazine articles, court briefs, and letters must supplement this library and compose to a large extent its material.

2. A trained librarian and indexer is absolutely essential. The material is largely scrappy and hard to classify. We need a person with a liberal education, who is original, not stiff, who can meet an emergency of all cases, and who is tactful as well.

3. The material is arranged so that it is compact and accessible. Do not be afraid to tear up books, documents, pamphlets, clippings, letters, manuscripts, or other material. Minutely index this material. Put it under the subjects. Legislators have no time to read large books. We have no time to hunt up many references in different parts of a library. They should be together as far as possible upon every subject of legislative importance.

4. Complete index of all bills which have not become laws in the past should be kept. This saves the drawing of new bills and makes the experience of the past cumulative.

5. Records of vetoes, special messages, political platforms, political literature, and other handy matter should be carefully noted and arranged. Our legislator often wants to get a bill through and we must remember that he often relies as much upon political or unscientific arguments as we do upon scientific work. He should be able to get hold of his political arguments if he wants to, and the political literature from all parties upon all questions should be kept near at hand.

6. Digests of laws on every subject before the legislature should be made and many copies kept. Leading cases on all these laws and opinions of public men and experts upon the working of these laws or upon the defects, technical or otherwise, should be carefully indexed and as far as possible published in pamphlet form, with short bibliographies of the subjects most before the people.

7. The department must be entirely nonpolitical and nonpartisan or else it will be worse than useless. If you have the choice between

establishing a political department and no department at all take the latter.

8. The head of the department should be trained in economics, political science, and social science in general, and should have also a good knowledge of constitutional law. He should, above all, have tact and knowledge of human nature.

9. There should be a trained draftsman connected with the department—a man who is a good lawyer and something more than a lawyer, a man who has studied legislative forms, who can draw a bill, revise a statute, and amend a bill when called upon to do so. Such a man working right with this department and the critical data which it contains will be absolutely essential.

10. *Methods.*—(a) Go right to the legislator, make yourself acquainted with him, study him, find anything he wants for him, never mind how trivial, accommodate him in every way. Advertise your department. Let everyone know where it is and what it does. Go to the committees and tell them what you can do for them. (b) It is absolutely essential that you get information ahead of time or else you will be of no use in the rush. Send a circular letter out to your legislators and tell them you will get any material which will help them in their work before the session is over. The following is a sample of such a circular sent out by this department:

MADISON, WIS., *November 20, 1904.*

DEAR SIR: The Wisconsin Legislature of 1901 authorized the Wisconsin Free Library Commission to conduct a legislative reference room, and to gather and index for the use of members of the legislature and the executive officers of the State such books, reports, bills, documents, and other material from this and other States as would aid them in their official duties.

The Legislative Reference Library was entirely destroyed by the fire, but much of value to the student of State affairs has been collected. We desire to make such material of the utmost use and wish you to call upon us for any aid we can give in your legislative duties.

If you will inform us of any subjects you wish to investigate, as far as we have the material, time, and means, we will tell you.

1. What States have passed laws on any particular subject.
 2. Where bills for similar laws are under discussion.
 3. What bills on any subject have been recently introduced in our legislature.
 4. Where valuable discussions of any subject may be obtained.
- As far as possible, with our limited force and means, we will send you abstracts of useful material and answer any questions pertaining to legislative matters.

It is not our province to convince members of the legislature upon disputed points. We shall simply aid them to get material to study subjects in which they are interested as public officials.

Make your questions definite. Our work is entirely free, non-partisan, and nonpolitical, and entirely confidential.

The replies to such a circular give you an idea of what is coming. Work for all you are worth on those topics, send out thousands of circular letters to experts on these topics, subscribe to clipping bureaus if necessary to secure critical data from the public at large. Gather statistics ahead. Carefully search books for significant and concise

statements; if to the point, copy out or tear them out and index them. Go through the court reports and get the best opinions. (c) Get hold of libraries or individuals or professors in other States with whom you can correspond. Speed in getting things to a committee or an individual is absolutely necessary. Do not fail to use the telegraph. Get material, facts, data, etc., and get it quickly and get it to the point, boil down, and digest. I can say again the legislator does not know much about technical terms; avoid them; make things simple and clear. (d) Employ, if you can, during the session a good statistician. He can be of great service in dealing with financial bills, in estimating accidents from machinery, or in gathering statistical data of any kind. He should be a man who can work rapidly and accurately and work to the point. Throughout all of this work it is absolutely necessary to get all material absolutely upon the points at issue. (e) Make arrangements with all libraries in your city and libraries elsewhere for the loan of books or other material. You should have every sort of an index in your library as well as catalogues of any of the libraries with which you are corresponding. (f) A correspondent clerk and some helper to paste clippings, mount letters, etc., are necessary, especially during the legislative session. (g) Keep your place open from early in the morning till late at night. Do everything in your power to accommodate those for whom you work.

In Wisconsin the work is divided into three main divisions: (1) The "comparative," which included the gathering of laws and cases from all over the world upon the legislative subjects; (2) the "critical," which is especially charged with the duty of gathering critical data upon the working of laws; and (3) the "constructive," for the purpose of assisting in the work of drafting legislation with evidence already mentioned at hand for reference.—(Wisconsin Free Library Commission, circular of information No. 6 (2d ed), p. 10)

EXHIBIT 4.—COMPARISON OF NEW YORK AND WISCONSIN PLANS FOR LEGISLATIVE REFERENCE WORK

[Extract from address by Mr. Johnson Brigham, State librarian of Iowa, before the National Association of State Libraries, May, 1907. In *A. L. A. Bulletin*, vol. 1, no. 4, p. 200.]

New York and Wisconsin are the acknowledged pioneers and leaders in legislative reference work. While each has the same general end in view, namely, assistance to legislators and legislative committees and improvement in the quality and form of legislation, there is an interesting line of cleavage between the one and the other which we of the other States should carefully consider.

The legislative reference section of New York's State library brings to legislators and legislative committees all available information bearing upon proposed legislation, but does not undertake to act for the legislator or the legislative committee either in passing upon the relative value of the information given or in the drafting of bills for legislative action.

The legislative reference department of Wisconsin's library commission does not stop here. It not only collects, collates, and supplies all needed information, but it also passes upon the relative value of the same. It also supplies legislators and legislative committees with briefs and arguments and, on request, drafts bills. The legislator has only to press the button; the reference librarian and his assistants do the rest.

In New York every incoming legislature, through its two presiding officers, appoints a joint commission of three lawyers, presumably experienced in law and legislation, who supervise and, when requested, prepare bills for legislators and committees, this commission availing itself of all information at the command of the legislative reference section of the State library.

In Wisconsin the legislative reference department serves as gatherer and dispenser of information and as an expert commission in drawing bills, supplying briefs, etc. Dr. McCarthy's assistant, Miss Ono M. Imhoff, writes me that at the time of drafting bills the department uses as many as 30 assistants, many of whom, however, afford only stenographic help.

In the opinion of Dr. R. H. Whitten, executive head of the Albany section, the activities of his section should be confined within the range of "library work," interpreting the phrase with the utmost liberality; but, in his judgment, it should not, even indirectly, undertake any function of the legislator, such as the final passing upon the weight of authorities, upon the relative value of testimony, upon the wisdom or unwisdom of legislation in other States or countries; nor should it assume the responsibility of drafting bills which, if they become law, will be subject to future interpretation by the courts.

EXHIBIT 5.—COMPILATION OF LAWS ESTABLISHING LEGISLATIVE
REFERENCE BUREAUS IN VARIOUS STATES

ALABAMA

(General acts 1907, No. 255, p. 318.)

AN ACT To enlarge the duties of the department of archives and history.

Be it enacted by the Legislature of Alabama, That in addition to the duties now required by law, the department of archives and history shall do and perform the following:

* * * * *

2. It shall bring together and arrange for ready consultation a reference collection of materials for the use of the members of the legislature, State officers, and others on all subjects which may, from time to time, be deemed of public interest and importance to the people of the State.

Approved, March 5, 1907.

INDIANA

(Acts 1907, ch. 147, pp. 236-237.)

AN ACT To create a legislative reference department in the State library, and prescribe [prescribing] its duties; providing for a legislative reference librarian and assistants in such departments, and making an appropriation to carry out the provisions of this act, and declaring an emergency.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That there is hereby created a legislative reference department in the State library. It shall be the duty of such department to collect for members of the general assembly information in regard to subjects of legislation, and to organize and arrange such material so that it may be most readily used. It shall obtain and furnish to members of the general assembly, or other officers of the State government, any data available regarding the laws of this and other States, and the working and results of such laws in actual practice, together with references to judicial decisions and interpretation upon such laws. It shall collect and make available such current information upon legislative subjects as will make all data upon subjects of present value. It shall be prepared to furnish to members of the general assembly, and under their instructions, such assistance as may be demanded in the preparation and formulation of legislative bills.

SEC. 2. The State librarian, by and with the advice and approval of the State library board, shall appoint a legislative reference librarian, at a salary of fifteen hundred dollars per year, and such other assistants as may be necessary to effectively carry on the work of such department.

SEC. 3. There is hereby appropriated for the payment of the salaries of such legislative reference librarian and other assistants, and of the expenses and cost of supplies and publications necessary to effectually carry out the provisions of this act, the sum of fifteen hundred dollars, to be available on April 1, 1907, and the sum of four thousand dollars annually thereafter.

SEC. 4. Whereas an emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage.

Approved, March 9, 1907.

MICHIGAN

(Public Acts, 1907, No. 306, pp. 405-406.)

AN ACT To provide for a legislative reference and information department in connection with the State library, to make an appropriation therefor, and to provide a tax to meet the same.

The people of the State of Michigan enact:

SECTION 1. There is hereby created and shall be hereafter maintained in connection with the State library, a department to be known as the legislative reference and information department for the use and information especially of members of the senate and house of representatives, the several State departments, and such other persons as may desire to consult the same. It shall be located in the State capitol as conveniently as possible for members of the senate and house of representatives.

SEC. 2. The State librarian, within ten days after this act shall take effect, shall appoint an assistant, who shall be a person trained in political economy and otherwise fitted to perform the duties of this office as herein defined, who shall have charge of said department under the supervision of the State librarian and perform the duties hereinafter prescribed. He shall receive an annual salary of fifteen hundred dollars, payable in the same manner as the salaries of other assistants in the State library. The State librarian shall also appoint some suitable person, trained in political economy and of known capability in indexing and cataloging, as clerk, who shall receive an annual salary of ten hundred dollars, payable in the same manner as the salaries of other assistants in the State library are paid.

SEC. 3. The said assistant shall, as soon as possible, make available for ready reference and use, suitable indexes to all such information as is contained in the various public documents of this State and other States, including senate and house documents and legislative journals, and shall keep a complete file of all bills printed by order of either house of the legislature. He shall procure and compile in suitable and convenient form, for ready reference and access, information as to proposed and pending legislation in other States, and shall also investigate the operation and effect of new legislation in other States and countries to the end that either house of the legislature or any committee or member thereof or any citizen of the State may have the fullest information thereon. He shall also give such advice and assistance to the member [members] of the legislature as they may require in the preparation of bills and resolutions, and shall draft bills upon such subjects as they may desire.

SEC. 4. At the close of each session of the legislature the secretary of the senate and the clerk of the house shall, at his request, deliver to the said assistant, to be appropriately filed and preserved, such copies of bills and joint resolutions which shall not have been passed and are still remaining in their hands, also all important petitions and memorials and other legislative documents.

SEC. 5. The board of State auditors shall furnish, on the requisition of the State librarian, all such cases as are necessary for the cataloging, indexing, and filing of the materials and information collected by said department, and all other supplies of said department shall be drawn by the State librarian in the manner provided by law. Such printing and binding as may be necessary for said department shall be done as part of the printing and binding for the State.

SEC. 6. The auditor general shall add to and incorporate into the State tax the sum of two thousand five hundred dollars annually, and such amount is hereby appropriated from the general funds of the State, which said sum shall be included in the State taxes apportioned by the auditor general on all taxable property of the State, to be levied, assessed, and collected, as other State taxes, and when so assessed and collected, to be paid into the general fund to reimburse said fund for the appropriation made by this act.

This act is ordered to take immediate effect.

Approved, June 28, 1907.

NORTH DAKOTA

(Laws 1907, ch. 243, p. 382.)

State library commission created.

AN ACT Creating a State library commission, defining its duties, and providing an appropriation for its maintenance.

SEC. 5. * * * The State library commission shall have power and it shall be its duty to establish a legislative reference bureau for the information and assistance of the members of the legislative assembly in the work of legislation. The legislation of other States and information upon legal and economic questions shall be classified and catalogued in such a way as to render the same easy of access to members, thereby enabling them better to prepare for their work. It shall be the duty of the librarian of the State library commission to assist in every way possible the members of the legislative assembly in obtaining information and the preparation of bills.

* * * * *

Approved, March 2, 1907.

OHIO

(Laws 1910, No. 384, pp. 221-222.)

AN ACT To provide for a legislative reference and information department in connection with the Ohio State library.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. There is hereby created and shall be hereafter maintained in connection with the State library a department to be known as the legislative reference and information department, for the use and information especially of the members of the general assembly, the officer of the several State departments, and such other persons as may desire to consult the same. It shall have an office room in or near the State capitol, as conveniently located as possible for the members of the general assembly.

SEC. 2. The board of library commissioners shall appoint an assistant who shall be known as legislative reference librarian. He shall be a person well fitted by training and experience to fill the requirements of this office, shall have charge of said department under the supervision of the State librarian, and shall perform the duties hereinafter prescribed. The board is authorized to appoint such other assistants as the work of the department may require.

SEC. 3. The legislative reference librarian shall, as soon as possible, make available for ready reference and use suitable indexes to all such information as is contained in the various public documents of the State, including senate and house journals and executive and legislative documents, and shall keep a complete file of all bills printed by order of either house of the general assembly. He shall procure and compile in suitable and convenient form, for ready reference and access, information on current and pending legislation in other States and countries, to the end that the general assembly, or any member thereof, or any

citizen of the State may have the benefit of such service. He shall also furnish to members of the general assembly, under their direction, such assistance as they may require in the preparation and formulation of bills, and perform such other duties as the board of library commissioners and the general assembly may prescribe.

SEC. 4. At the close of each session of the general assembly the clerk of the senate and the clerk of the house, at the request of the legislative reference librarian, shall deliver to him, to be appropriately filed and preserved, copies of bills, joint resolutions, important petitions, memorials, and other legislative documents for the custody of which other provision is not made by law.

SEC. 5. The board of library commissioners may expend in the establishment and equipment of the legislative reference department a sum not to exceed one thousand dollars and for its maintenance such sum as the general assembly shall from time to time determine.

Approved, May 13th, 1910.

PENNSYLVANIA

(Laws 1909, No. 143, pp. 208-210.)

AN ACT To create a legislative reference bureau in the Pennsylvania State Library; authorizing the appointment of a reference director and subordinate officers, defining their duties, and fixing their compensation.

SECTION 1. *Be it enacted, etc.*, That from and after the first day of June, Anno Domini one thousand nine hundred and nine, the trustees of the Pennsylvania State Library be, and they are hereby, authorized and directed to maintain a legislative reference bureau in the State library, for the use and information of the members of the general assembly, the heads of the several departments of the State government, and such other citizens of the Commonwealth as may desire to consult the same.

SEC. 2. The director of the said legislative reference bureau of the Pennsylvania State Library shall be appointed by the governor, by and with the advice and consent of the Senate, to hold office during good behavior, and he shall be well qualified by experience, knowledge, and ability to conduct the work of the bureau, and shall receive a salary of three thousand five hundred dollars per annum, and his travelling expenses, actually and necessarily incurred in the performance of his official duties. He shall give bond in the sum of ten thousand dollars, to be approved by the governor, for the faithful performance of his duties, and he shall devote his whole time and attention to the duties of his office. He shall have custody of the law library and the publications therein of the various State governments and the United States Government, which may be generally classed as legislative documents.

SEC. 3. The director, by and with the approval of the governor, shall appoint one assistant director, learned in the law, who shall receive a salary of two thousand four hundred dollars per annum, and a reference division stenographer, at a salary of twelve hundred dollars per annum. The State librarian may also assign any employee or employees of the

library for work in the reference division during the session of the general assembly.

SEC. 4. The trustees of the State library shall provide the bureau with suitable rooms in the State Library Building, situated so as to give the bureau ready access to the volumes, catalogues, documents, and other papers in the State library, and in a place where the bureau will be convenient to the members of the general assembly, and others having official business with the said bureau. The reference bureau shall be kept open from nine ante meridian to four post meridian during the entire year, and when the general assembly is in session, at such hours, day and night, as are most convenient to its members.

SEC. 5. The director shall prepare and have available for use, check lists and catalogues of all Pennsylvania laws and all the current legislation of Pennsylvania and other States; lists of bills and resolutions presented in either branch of the general assembly; check lists of the public documents of the State, including all reports issued by the said departments, boards, and commissions; digests of such public laws of this and other States as may be thus best made available for legislative use; catalogued files of newspaper clippings and of such other printed matter as may be proper for the purposes of the bureau. The director shall also, when requested by the governor, heads of departments, or members of the general assembly, promptly procure available information not on file in the bureau relating to pending legislation, and investigate the manner in which laws have operated in other States. He shall also, if possible, establish card catalogue exchanges with other States where laws similar to this are now in force or hereafter may be passed.

SEC. 6. The director and his assistants shall neither oppose nor urge legislation, but shall, upon request, aid and assist the members of the general assembly, the governor, and the heads of departments by advising as to bills and resolutions and drafting the same into proper form, and by furnishing to them the fullest information upon all matters in the scope of the bureau relating to their public duties. No employees of the bureau shall reveal to any person outside of the bureau the contents or nature of any matter not yet published, except with the consent of the person bringing such matters before the bureau.

SEC. 7. The printing and binding necessary for the proper performance of the duties of said division, or the proper preservation of material collected under the same, shall be done by the State printer, upon the order of the superintendent of public printing and binding, upon requisition of the legislative director, countersigned by the State librarian; and the board of public grounds and buildings shall, upon the requisition of the said director, countersigned by the State librarian, furnish the bureau with such books, stationery, supplies, furniture, et cetera, as may be needed to properly conduct the affairs of the bureau.

Approved the 27th day of April, A. D. 1909.

RHODE ISLAND

(General Laws, revision of 1909, ch. 38. Public Laws 1471, Apr. 23, 1907. Public Laws 1554, Apr. 30, 1908, pp. 193-194.)

* * * * *

SEC. 17. There shall be in the State library, under the direction of the State librarian, a legislative reference bureau, which shall collect, arrange, and place on file books, pamphlets, and other material relating to legislation, which shall prepare abstracts of laws in other States, and which shall present such other information as may be useful and necessary to the general assembly in the performance of its legislative duties.

SEC. 18. The State librarian shall, with approval of the secretary of state, employ such assistants and incur such expenses as may be necessary in the proper administration of the bureau, and the sum of twenty-three hundred dollars, or so much thereof as may be necessary, is hereby annually appropriated to defray the expenses of said bureau, and the state auditor is hereby authorized to draw his order or orders on the general treasurer upon receipt by him of vouchers approved by the secretary of state.

SOUTH DAKOTA

(Session Laws 1907, ch. 185, pp. 395-396.)

AN ACT Entitled an act establishing a division of legislative reference in the State library.

Be it enacted by the Legislature of the State of South Dakota:

SECTION 1. DUTY OF LIBRARIAN: The State librarian is hereby directed to establish in the State library a division of legislative reference, in which he shall provide the reports of the various officers and boards of this State, and as far as may be of other States, and such other material upon economic and sociological subjects as he may be able to provide, and shall index and classify the same and make the information therein available for the use of the State legislature, and shall, as required, provide for the use of members of the legislature such information and assist in drafting bills, and in every reasonable way make the division useful in the preparation of legislation.

SEC. 2. The various departments, officers, and boards shall provide copies of their reports and publications for the legislative division of the State library, and the secretary of state is directed to supply to the same a complete set of the statutes and session laws of the State and of the reports of the supreme court.

SEC. 3. REPEAL: All acts or parts of acts in conflict with this act are hereby repealed.

Approved, February 18, 1907.

TEXAS

(General Laws 1909, ch. 70, p. 126.)

AN ACT To create the Texas Library and Historical Commission, setting forth the purposes of the said Library and Historical Commission, defining its powers and duties, etc.

* * * * *

SEC. 11. That the said Library and Historical Commission is hereby authorized and directed to maintain for the use and information of the members of the legislature, the heads of the several State departments, and such other citizens as may desire to consult the same a section of the State library for legislative reference and information. The Library and Historical Commission shall appoint an assistant librarian competent to conduct the work of said legislative reference section. Said assistant librarian shall have available for use explanatory check lists and catalogues of the current legislation of this and other States, catalogues of the bills and resolutions presented in either branch of the legislature, check lists of the public documents of the several States, including all reports issued by the various departments, boards, and commissions of this State, digests of such public laws of this and other States as may best be made available for legislative use. Said assistant librarian shall give the members of the legislature such aid and assistance in the drafting of bills and resolutions as may be asked.

WISCONSIN

(Laws 1903, ch. 238, p. 384.)

AN ACT To amend chapter 168 of the laws of 1901 relating to the cataloguing and distribution of public documents and the maintenance of a legislative reference room and small working library by the Wisconsin Free Library Commission, and increasing the appropriation therefor.

SEC. 373f. TO MAINTAIN LIBRARY IN CAPITOL: The said commission is also authorized and directed to maintain in the State capitol, for the use and information of the legislature, the several State departments, and such other citizens as may desire to consult the same, a legislative reference room, and a small working library, as complete as may be, of the several public documents of this and other States, and to purchase for said library standard works of use and reference. The said commission is also hereby authorized and directed to cooperate, during sessions of the legislature, with the secretary and superintendent of the State Historical Society of Wisconsin, as trustee of the State, with a view to a joint arrangement by which the needs of the legislature in the matter of general books of reference may be met to the fullest possible extent; and said commission shall give such space within its rooms to books brought to the capitol by said society for such purpose as may be jointly agreed upon between them. The librarian of the State library and the officers of State departments are hereby authorized to give or loan to the free library commission for the use of the legislative reference room such books and documents as will be useful in that room. The said free library commission is also authorized to give or loan to the State historical society or to the State departments any books and documents except those in current use in the legislative reference room.

* * * * *

Approved, May 13, 1903.

(Laws 1907, ch. 508, pp. 70-71.)

SEC. 373*i*. LEGISLATIVE REFERENCE ROOM—APPROPRIATION: 1. For the purpose of carrying out the provisions of this act, there shall be and is hereby annually appropriated to the Wisconsin Free Library Commission from any money in the general fund not otherwise appropriated, the sum of * * * fifteen thousand dollars, and any balance not expended in any one year may be added to the expenditure for the next ensuing year.

DRAUGHTSMEN: 2. Out of the above appropriation the sum of six thousand dollars shall be set aside for the period of each legislative session and the period of two months just preceding each legislative session for the purpose of employing draughtsmen and extra help in the draughting of bills.

INDEXING: 3. The remainder of the appropriation shall be used for the carrying out of the provisions of this act and for indexing session laws, indexing the statutes, indexing of private and special laws, indexing bills, and also for indexing documents and journals from the beginning of the history of the State.

In California, Connecticut, Iowa, Kansas, Massachusetts, New York, and Virginia the State library carries on legislative reference work without specific legislation on the subject.

IOWA

A joint resolution, approved April 15, 1909, fixing the number and compensation of employees of State departments, provides for the State librarian's office the following:

1 legislative and general reference assistant (who shall be under the direction of assistant to librarian)..... \$1,000

KANSAS

(Auditor's Seventeenth Biennial Report, 1910, pp. xvi and 147.)

The legislature of 1909 made appropriations as follows:

Legislative reference library

	1910	1911
One expert cataloguer who shall work under the State librarian, especially in the legislative reference department.....	\$1,000	\$1,000
Stenographer and clerk.....	900	900
Postage and office incidentals.....	200	200
Total.....	2,100	2,100

The estimate of the appropriations required for the fiscal years 1912 and 1913 is as follows:

	1912	1913
Cataloguer.....	\$1,000	\$1,000
Stenographer and clerk.....	900	900
Postage, office incidentals, and traveling expenses.....	1,000	1,000
Extra clerk hire.....	600	600
Multigraph and typewriting machines.....	400	100
Purchase of legislative material.....	1,000	1,000
Total for legislative reference library.....	4,900	4,600

MASSACHUSETTS

(Acts 1910, Chap. 75.)

Since 1892 the following provision is found in the annual appropriation acts:

For preparing an index to current events and such other matters contained in the newspapers of the day as may be deemed important by the trustees and librarian, a sum not exceeding one thousand dollars.

In the appropriation act 1910 the contingent fund of \$6,000 is made available for a "Card index of comparative legislation."

NEBRASKA

The act of 1907 appropriating \$15,000 for the purposes of the State Historical Society, specifies among the objects for which the money may be expended: "For labor and supplies in legislative reference department."

ILLINOIS

[Governor's recommendations, 1911—Gov. Deneen's message, Jan. 4, 1911, Senate Journal, p. 27.]

A legislative reference bureau

I would urge upon your attention also the desirability of establishing a legislative reference bureau, whose work would be to collect and systematize information concerning legislation and administration in this and other States and countries. This work should be done with special reference to the administrative methods and legislation of interest to the people of Illinois and the results should be available for use of the State legislature and the executive and other officers of the State.

Such a legislative reference bureau in connection with the State University would have important advantages in the active assistance of the university's resources, both in its laboratory equipment and in its staff of professional experts in law, political science, economists, sociology, engineering, and agriculture. The work of such a bureau

would be to collect material, including statutes, judicial decisions, official reports, and other public documents; to index and catalogue these and other materials so as to make them available for the officers of the State government and the legislature; and to conduct investigations into problems of public administration, such as are often undertaken by special commissions for the use of the legislative committees and others.

During the session of the legislature the services of this bureau should be primarily at its disposal, and such part of its material as might be needed should be transferred to the State capitol, where it would be at the immediate service of the members of the State government.

WISCONSIN

[Gov. McGovern's message, Jan. 12, 1911, pp. 29-30.]

Legislative reference department

The legislative reference department of the Free Library Commission is a Wisconsin idea of great value. It has been copied by over 20 other States and as many cities. Foreign countries and municipalities have also adopted it. Its purpose is to bring to the legislature expert help in gathering the results of experience elsewhere, without which legislators would be more or less helpless because of the complexity of modern problems. It also furnishes the legislature with expert draftsmen, skilled in the art of embodying in satisfactory form ideas which the members of the legislature, untrained as many of them are in this work, may desire to have enacted into law.

At present this department is not supported as liberally as its importance demands. In carrying on its work it has been hampered for want of necessary funds. I believe an additional appropriation of at least \$7,000 a year for this department is necessary in order to place it upon a proper basis and to equip it so as to facilitate the work of the legislature. This will make a total appropriation for this department of but \$22,000. Other States devote much larger sums to this purpose for services much less efficient than those this State has been accustomed to receive. In the end, such additional appropriation, I am satisfied, will prove the means of a much greater saving in money, to say nothing of improvement in the form of the statute law enacted at each legislative session. I commend this matter to your careful consideration.

EXHIBIT 6.—LEGISLATIVE REFERENCE BULLETINS PUBLISHED IN VARIOUS STATES

CALIFORNIA.—*State library*.—Legislative reference bulletins:

No. 1. Hints on drawing legislative bills. 1908.

No. 2. River improvement laws in other States and countries. 1908.

INDIANA.—*State library*.—Legislative reference department bulletins:

- No. 1. Local option by election. 1908.
- No. 2. Index to governors' messages 1816-1851. 1908.
- No. 4. Hints on bill drafting. 1910.

MICHIGAN.—*State library*.—Legislative reference department bulletins:

- No. 1. Constitution of the State of Michigan, 1850; annotated for the use of the constitutional convention. 1907.
- No. 2. First State constitution—1835. Proposed constitution of 1867. Proposed constitution of 1873. 1907.
- No. 3. Local, special, and private legislation, municipal charters, gubernatorial veto, initiative and referendum, as provided for and regulated by the constitutions of the several States. 1907.

Laws of the various States relating to vagrancy. 1910.

NEW YORK.—*State library*.—Bulletins. Legislation:

- Nos. 1-7, 9-11, 13, 15, 18, 21, 24, 28, 32, 36, 38. Comparative summary and index of legislation, 1890-1908.
- Nos. 16, 19, 22, 25, 29, 33, 39. Review of legislation, 1901-1908.
- Nos. 17, 20, 23, 27, 31, 35, 37. Digest of governors messages, 1902-1908.
- No. 8. State finance statistics, 1890 and 1895.
- No. 12. Trend of legislation in the United States, 1900.
- No. 14. Taxation of corporations in New York, Massachusetts, Pennsylvania, and New Jersey, 1901.
- No. 26. Index of New York governors messages, 1777-1901.
- No. 30. Legislative reference lists, 1906.
- No. 34. A summary of the compulsory attendance and child-labor laws of the States and Territories of the United States, 1907.

(Beginning with No. 20, the three or more bulletins of each year are also issued in one volume under title "The Yearbook of legislation.")

Review of legislation, 1907-8.

Contents: Labor, by L. W. Hatch. Crimes and offenses, by D. C. Brown. Corrections, by G. McLaughlin. Public charities, by W. B. Buck. The insane, by T. E. McGarr. The feeble-minded and epileptic, by J. C. Carson. The family, by A. M. Eaton. Public health and safety, by C. E. A. Winslow. Food adulteration, by W. D. Bigelow. Agriculture, by J. I. Schulte. Experiment stations and inspection, by W. H. Beal. Horticulture: Diseases and pests, by E. P. Felt. Public control of waters, by R. P. Teele. Land drainage, by J. T. Stewart. Forestry, by P. P. Wells. Fish and fisheries, by M. C. Marsh. Game protection, by T. S. Palmer. Education, by E. C. Elliott. Vocational education, by A. D. Dean. Library legislation, by W. R. Eastman. Public printing and records, by P. Nelson. Publications, by T. L. Cole. Courts and the practice of law, by I. Loeb. Corporations, by R. C. Harrison. Property, by E. Freund. Contracts and obligations, by J. B. Sanborn. Public utilities, by R. H. Whitten. Municipal government, by J. A. Fairlie. State finance, by E. W. Kemmerer. Local finance, by F. R. Clow. Taxation, by E. W. Kemmerer. Insurance, by S. Huebner. Banking, by W. A. Scott. Commerce and industry, by S. Litman. Transportation and communication, by A. A. Young. Roads: 1907, by M. O. Eldridge; 1908, by L. E. Boykin. Motor vehicles, by C. T. Terry. Index.

Each chapter also issued separately.

NORTH DAKOTA.—*Public library commission*.—Legislative reference department bulletins:

No. 1. Permanent State tax commissions, a comparative digest of State legislation. 1910.

No. 2. Good roads; an outline of State road systems. 1910.

RHODE ISLAND.—*State library*.—Legislative reference bulletins:

No. 1. The veto power in the several States. 1907.

No. 2. Automobile laws of the New England States, New York, New Jersey, and Pennsylvania. 1908.

No. 3. Summary of the general banking laws of the commercial States. 1908.

VIRGINIA.—*State library*.—Legislative reference lists:

1910: Bank examiners. City charters. Municipal home rule. Fee system. Juvenile courts. Oyster industry. Primaries. Liquor question. Protection of birds. Taxation. Tuberculosis.

WISCONSIN.—*Free library commission*.—Legislative reference department bulletins:

No. 1. Railway coemployment. 1905.

No. 2. Lobbying. 1906.

No. 3. Corrupt practices at elections. 1906.

No. 4. Exemption of wages. 1906.

No. 5. Municipal electric lighting. 1906.

No. 6. Trust-company reserves. 1906.

No. 7. Taxation of trust companies. 1906.

No. 8. Municipal gas lighting. 1906.

No. 9. Boycotting. 1906.

No. 10. Blacklisting. 1906.

No. 11. Initiative and referendum. 1907.

No. 12. The recall. 1907.

No. 13. Primary elections. 1908.

No. 14. Proportional representation. 1908.

No. 15. Juvenile courts. 1908.

No. 16. Telephones: Interchange of service. [1908.]

No. 17. Mortgage taxation. 1908.

No. 18. Municipal home-rule charters. 1908.

No. 19. Tenement-house legislation, State and local. 1909.

No. 20. Accident insurance for workingmen. 1909.

No. 21. Initiative and referendum: State legislation. 1910.

No. 22. Certified public accounts. 1910.

EXHIBIT 7.—LIBRARY OF CONGRESS

Select lists of references.—Political science and economics:

American occupation of the Philippines, 1898-1903. 1905.

Anglo-Saxon interests. 1903; 2d issue, 1906.

Banks and banking. 1904; 1st & 2d banks of the United States. 1908.

British tariff movement (Chamberlain's plan). 1904; 2d issue, 1906.

Budget of foreign countries. 1904.

Cabinets of England and America. 1903.

Select lists of references—Political science and economics:

- Child labor. 1906.
Chinese immigration. 1904.
Colonization, government of dependencies, protectorates, and related topics. 1900; 2d edition, 1900.
Constitution of the United States. 1903.
Consular service. 1905.
Corrupt practices in elections. 1908.
Cost of living and prices. 1910.
Currency and banking. 1908.
Debates in Federal convention on election of Senators. 1902.
Deep waterways from the Great Lakes to the Atlantic Ocean. 1908.
Eight-hour working day and limitation of working hours in general. 1908.
Employers' liability. 1906.
Far East. 1904.
Federal control of commerce and corporations. 1903; 2d issue, 1904.
Fourteenth and fifteenth amendments, with special reference to negro suffrage. 1906.
Government ownership of railroads. 1903.
Immigration. 1904; 2d issue. 1905; 3d issue. 1907.
Impeachment. 1905.
Industrial arbitration. 1903.
Insurance, United States and foreign countries. 1906; 2d ed. 1908.
International arbitration. 1908.
Iron and steel in commerce. 1907.
Labor, particularly relating to strikes. 1903.
Mercantile marine subsidies. 1900; 2d ed. 1903; 3d ed. 1906.
Municipal affairs, with special reference to municipal ownership. 1906.
Negro question. 1903; 2d issue. 1906.
Old-age and civil-service pensions. 1903.
Political parties in the United States. 1907.
Popular election of Senators. 1904.
Postal savings banks. 1908.
Primary elections, particularly direct primaries. 1905.
Proportional representation. 1904.
Railroads in foreign countries. Governmental regulation. 1905.
Railroads in their relation to the Government and the public. 1904; 2d issue. 1907.
Reciprocity. 1902; 2d ed. 1910.
Reciprocity with Canada. 1907. [2d ed. 1910]
Recognition in international law and practice. 1904.
Sugar, chiefly in its economic aspects. 1910.
Supreme Court of the United States. 1909.
Tariffs of foreign countries. 1906.
Taxation of inheritances and of incomes. 1907.
Trusts. 1900; 2d ed. 1902; 3d ed. 1907.
Valuation and capitalization of railroads. 1909.
Workingmen's insurance. 1908.

INDEXES AND COMPILATIONS OF LAW

EXHIBIT 8.—PROPOSAL FOR INDEX TO COMPARATIVE LEGISLATION

ESTIMATES FOR 1904

Estimate.—For the preparation of an index to comparative legislation, including subscription to and purchase of publications and other necessary material, and for traveling expenses, transportation, stationery, postage, and all services and incidental expenses connected with the compilation of such index, \$28,000.

[Extract from letter of transmittal accompanying estimates Oct. 6, 1902.]

This proposes an entirely new undertaking for the Library. An index to comparative legislation brings together a descriptive statement of the laws that are being enacted by the various legislative bodies of the civilized world. If accompanied by a reference to preceding statutes or by brief abstracts indicating the course of legislation, it may become an instrument of the highest value not merely to the theoretic investigator, but to the practical legislator.

There is at present no such index comprehensive in scope. An index published by the State library at Albany covers the legislation of the several States. An index that would cover promptly, intelligently, and accurately the current legislation of the world would render a great public service—a service to the legislator in Congress, to the executive branch of the Government in its diplomatic relations, to the scientific bureaus of the Government, and to all students of current, political, and economic facts and tendencies. Published periodically—say monthly—it can be made to broaden its service, to the aid of legislators, administrators, and investigators in all parts of this country and in other countries. The work should be done at Washington. It can only be done at the National Library, where the material is to be found or by which (with the aid of the consular and diplomatic representatives of the United States) it can most effectively be secured. It will require not merely the current statutes promptly upon their enactment, but the files showing the legislation of the past. It will require subscriptions to a considerable amount of material which can not be secured by the library as gift. It will require a systematically organized corps of special workers, besides the routine service for recording, classifying, and for correspondence.

If such a work can be organized at the Library of Congress, it will do more than any other expenditure of a similar amount to make useful the great mass of legislative documents which are accumulating within its walls, and which it has an opportunity to accumulate unequaled by any other institution in the world.

I shall be prepared to submit to the Appropriations Committees a more particular description of this proposal, with illustrations.

[Communication from the Librarian of Congress to the Subcommittee on Appropriations, House of Representatives]

THE LIBRARY OF CONGRESS, December 3, 1902.

SIR: In response to your suggestion at the hearing, I beg to add to my statement concerning the proposed "Index to Comparative Legislation" the following:

Scope.—The index would cover all the statute laws of all the civilized countries having legislative assemblies whose deliberations and activities are of interest to Congress, to our other legislative bodies, to our executive and scientific bureaus, and to the student and investigator. It would cover primarily the most recent enactments. It would from time to time trace back the entire course of legislation in a particular country upon the particular subject, in order to show the bearing and significance of a recent act, if epoch making.

Form.—It would consist of a monthly bulletin, with at least an annual summary.

The index would be not merely a list of the acts by title. This would contribute little. It would indicate the subject matter of the act and at times analyze it. It would therefore be a subject index, in a measure a digest.

It should contain also references to articles in journals in the nature of commentaries upon or expositions of particular legislation, and possibly to important judicial decisions interpreting them. It would avail itself of the work of the three societies (in London, Paris, and Berlin) dealing with comparative legislation within particular fields.

It would be "comparative" in that it would bring under one heading—that of the subject itself—the recent legislation of various countries with reference to that subject. The reference would not, as a rule, go beyond the summary. Occasionally, however, it might seem desirable to reprint in English the substantial part of some act of a foreign government bearing upon a subject under discussion in Congress.

The occasional résumé would enable the investigator to trace back the course of legislation on that subject.

Cost.—The estimate submitted is \$28,000. This is for but the first year. The index will be of no importance unless continued and maintained currently. During the first year little can probably be done except to effect the organization, to gather and systematize material, open communication with the legislative centers, determine methods and processes, and begin the classification and digestion of the material and the card indexes which must precede the published bulletins. The estimate of expense for the first year may be taken as a fair estimate of the annual expense. The outlay for material, equipment, and transportation for the first year will be larger than afterwards, but the expense of editing may be less.

ELEMENTS OF EXPENSE

1. *Equipment.*—The cost of this will be slight—desks, tables, filing cabinets, etc.

2. *Material.*—The library has already a mass of statute laws, and much comes to it without cost through international exchange; but

for the purpose of the index and, indeed, for all inquiries into statute law, a complete set of the statutes of every country is essential. In many cases the sets in the library are very imperfect, and the defects can now be made good only by purchase.

For the purpose of the index there must be a subscription to at least two copies of all the publications which give the current legislation and of the journals which deal with it. More copies may be desirable for cutting and pasting.

Organization.—So far as I have been able to give consideration to this the minimum requisite would be as follows:

General director in charge of the work, who must have legal training, a good general education, a fair knowledge of the most important foreign languages, and initiative, method, and executive ability. Salary.....	\$3, 000
4 scientific experts, each with a general education and professional training similar to that of the chief of the division, and competent to analyze, digest, compile, and edit laws of various countries having different constitutions, but not called upon for the larger administrative functions: One to cover Great Britain and her colonies; two for Continental Europe, Africa, and the Orient, and one for South and Central America, at \$2,000 (probably \$2,250) each.....	8, 000
4 translators (there would be nearly 20 languages involved, including some of the most difficult, as Russian), at \$1,200 each.....	4, 800
1 cataloguer.....	1, 200
1 proof reader.....	1, 200
2 stenographers and typewriters, at \$900 each.....	1, 800
Subordinate service—for classifying, copying, writing index cards, and messenger work, etc., say.....	4, 000

In addition to the above, there would be the compensation of certain correspondents who, in important legislative centers, would make periodical reports upon legislation pending, give information as to publications and aid in procuring them. Such correspondents must be experts in the statute laws of their countries and competent also, if required, to aid in tracing back the history and motive of legislation upon a particular subject and the bearing of any particular act. Such experts could, I think, be secured at a small compensation in each case. It is essential that they be paid something, otherwise they could not be held accountable for promptness, accuracy, and thoroughness.

The service connected with the work may therefore mean an annual expenditure of over \$24,000.¹ This leaves a very narrow margin for the acquisition of material, for freight, transportation, and miscellaneous expenses, as indicated. During the first year particularly, while material is being sought, communications opened, and corre-

¹ By the \$16,000 which I mentioned at the hearing I had in mind only the special expert service comprised in the first three items above.

spondents secured, there would have to be a considerable expenditure for transportation.

The expert service required for dealing with foreign legislation is of a very different grade from that which suffices for an intelligible treatment of American statute law. Not merely do the languages present difficulties—an intelligent presentation of a statute of a foreign country requires knowledge of the constitution of that country, of its history, of its methods of legislative procedure, and of its executive and judicial organization.

Usefulness of the work.—I have adverted to this in the letter accompanying my estimates, I may add the following suggestions:

The subjects treated in the index would include subjects that bear upon the work of every legislative assembly in the United States, a considerable number of subjects of interest to municipalities, a larger number of interest to State legislatures, and a most important group of subjects of constant interest to Congress. Among these latter I may note the following:

Taxation in all branches; revenue, customs and internal, tariffs; subsidies and bounties, finance, currency, banking, etc.; weights and measures, commercial regulations; navigation; railroads; telegraphs; postal systems, public franchises generally; corporations (regulation of); public health, e. g., pure food laws, meat inspection, quarantine laws; immigration and emigration, naturalization, extradition; labor legislation, e. g., arbitration, coal mines, factory inspection; elective franchise, regulation of religious orders; tenures; irrigation; forestry; protection of magistrates.

The above are only examples. They will extend, as Congress may have to deal further with domestic and international questions, particularly as it will have to deal with the Territories, for which it legislates directly, and the newly acquired dependencies, where the problems to be solved are problems with which foreign countries have had in some form to deal.

In the experience of the Library, inquiries from Congress touching foreign legislation take the following, among other, forms (the examples are actual):

(1) A request for a particular statute, e. g., the Belgium arbitration act; (2) a request for all the statutes of a country relating to a particular subject, e. g., old age pensions in Great Britain; (3) a request for the legislation of foreign countries upon a given subject, e. g., regulations of trade in foreign countries; (4) a request for any laws attempting to legislate for a particular class of interests in a particular way, e. g., foreign statutes encouraging by bounties the merchant marine or sugar production.

A response to such inquiries, except possibly the first, can at present be neither prompt, certain, brief, nor conclusive. Even if the statutes are here, they must be traced down from a mass, and the time of the inquirer and of the Library unnecessarily consumed both in the search and in the examination of laws which, though having a bearing upon the general subject, would by index or digest be shown to have no

bearing upon the particular points in which the inquirer is interested. With the index well under way, the material perfected and systematized, and an organization whose particular function would be to answer just such inquiries, the response might have all four of these requisites—promptness, certainty, brevity, and conclusiveness.

In addition to inquiries from Congress are inquiries from executive departments and scientific bureaus of the Government, and from various commissions established from time to time to investigate and report to Congress. The work of the departments and scientific bureaus quite often calls for an investigation of foreign legislation on a given subject. (I may instance a present investigation by the Agricultural Department as to foreign laws regulating the inspection of meats.) The commissions created by Congress to investigate and report almost invariably include in their report a summary of foreign legislation. In the absence of any digest of foreign statute laws these investigations have to be special and can not but be costly and, to a great extent, repetitious. With the index thoroughly established, both special investigation and repetition would be avoided.

Beyond the uses of Congress, of other legislative bodies, and of the scientific bureaus or executive commissions, there would be the use of the student and investigator. The service to these is so obvious as to need no explanation. There is no class of material in the Library as to which individual effort on the part of the inquirer is so extravagant or apt to be so futile as it is in the case of the material of documents and legislation generally. There is none which is so inert unless galvanized by some system of digest and exposition.

The undertaking would be one apart from the routine of the present administration of the Library, but it is one which I have felt called upon to recommend, because it seems to have a logical claim upon the National Library from its preeminent resources, its relation of service to other institutions, and its peculiar duty, not merely as a general library, but as the chief legislative library of this country.

I do not recommend it, however, unless the appropriation can be sufficient to insure that the work shall be comprehensive, thorough, scientific, and the results authoritative. I may have underestimated the cost. I am sure that I have not overestimated it.

Very respectfully

HERBERT PUTNAM
Librarian of Congress

HON. HENRY H. BINGHAM
*Chairman Subcommittee on Appropriations
House of Representatives*

EXHIBIT 9.—STATUTORY LAW SERVICE

About five years ago the Librarian of Congress proposed to Congress the establishment of a permanent bureau which should prepare an "index to comparative legislation," and in particular he emphasized the indexing of foreign legislation. The proposal called for an annual expenditure of at least \$28,000. It has been recommended each year

since 1902 to the Appropriations Committee, but no action has been taken by the committee.

For the fiscal year 1906-7 Congress appropriated \$5,840 to establish in the law library a law service which should prepare a scientific index to all the statutes and treaties of the United States. For the fiscal year 1907-8 this sum of \$5,840 was continued, together with \$5,000 additional carried in the general deficiency bill, for the purpose of hastening the preparation of that portion of the index which would refer to the statutes found in the Revised Statutes of 1873 and the sessional statutes subsequently enacted.

Gradually there has been gathered for this study of the statutes a small group of young lawyers. The task involves a most exacting study of our existing statute law, and to insure successful results calls for the finest quality of legal mind. Several lawyers, highly recommended, have tried the work and failed, either because they lacked alertness of mind, ability to differentiate between the fundamental and incidental analogies of the principles involved in the statutes, retentive memory for the numerous categories and the concepts given to each of them, or the capacity to use precise and concise legal diction.

To prepare expeditiously a guide, in detail, to the innumerable subjects found in the 40,000 pages of statutes and treaties it was necessary that the work should be taken up cooperatively. To insure uniformity and harmony in a large index prepared by several persons, it was necessary that they should employ identical methods from day to day throughout the entire work. Of the processes involved in indexing, classification is probably the one most susceptible to indefinite variation. To eliminate such a danger and provide a means for keeping together, it was necessary to prepare at the outset a tentative plan of subject headings, subheadings, and cross references. As initial work, this classification plan was difficult to prepare, and it is constantly being modified in connection with the close study now being given the statutes. The classification plan will therefore only be completed when the whole index is completed. If it should meet substantial approval and have the effect, which is expected, of greatly economizing the time of all inquirers seeking Federal statute law, a strong reason would exist for subjecting the State statutes to the same scientific treatment.

The practical importance of a detailed, comparative index to the constitutions and statutes of the States of the United States needs no argument. Were the separate indexes to the sessional statutes, revisions, and codes of all the States constructed in accordance with an approximately uniform system of classification, a comparative index to the legislation of this country would exist which would be of practical use to the profession, to legislators, to scholars, and to those who undertake from time to time to prepare consolidations of the sessional statutes in the shape of revisions and codes. With a standard plan of classification once scientifically prepared and the constitutions, statutes, and codes regularly indexed by lawyers of aptitude and training for the task, a handy comparative index to any subject of constitutional or statute law could be readily compiled.

Each of the lawyers engaged in the present undertaking has taken a group of the subjects treated of in the Federal statutes and has proceeded to read systematically the entire body of acts, joint resolutions, etc., and to study and index such of them as deal with his particular subjects. To index accurately and with fullness the detail of any subject, complete knowledge of it in its various phases and also of its various relations to cognate subjects is required. Of course a mastery of any considerable number of the numerous subjects in the statutes, as they are administered by the executives and interpreted by the courts, is impossible without long study.

Right here it should be noted that the parliamentary draftsmen who are employed by the legislative bodies of England, France, Germany, and other countries to index, consolidate, and draft statutes make no pretension to omniscience of the subject matter of the law. They aim to have a comprehensive knowledge of the law in its various relations, particularly of the statute law (including its relation to executive rules and regulations), and of the problems respecting its form and phraseology. They claim, also, to know enough to consult the lawyers and others who are specialists in subject matter. For the employment of such specialists by the parliamentary draftsmen of England, \$7,500 is annually appropriated to be used or not as occasion requires.

It is frequently said that indexing of statutes calls for a "peculiar" sort of mind. And so it does, but not in the sense in which the word is understood by those who make the remark. Throughout this country there has been no systematic study of the statutes by able lawyers who were devoting themselves to it as a life work. From time to time individuals have been called in from other pursuits in the law, or from other business, to engage temporarily in the preparation of a compilation, revision, code, or index of the statutes. Indexes are generally prepared by men of very ordinary ability who have little or no legal training. Their slow mental processes and lack of method usually prevent them from using the stenographic and other clerical assistants which relieve such work of the humdrum drudgery with which it is generally regarded. Where a study of the statutes is undertaken by lawyers of real legal ability, well trained in history and political science, who command the use of precise diction and are alive to the method and form involved in philosophical law work, who have an aptitude for constructive law work of a comprehensive character and an alert, practical judgment in the analysis and synthesis of statutory materials, the study of the statutes for the purpose of bringing to light the numerous correlations becomes a delightful task. Such work demands a division of labor. The lawyer must confine his attention to the legal problems involved and be able to relegate to different clerks the doing of the different processes which he devises as incidental to his purpose. The lawyer who is unable to do this is absolutely unfit to index statutes or assume any other responsible work connected with a statutory law service.

In the proposals and discussions hitherto in regard to indexing legislation and, indeed, in the work which has been undertaken, the qualities of mind and training of those who are required to perform the work

have not been appreciated. An index is a guide. Guides are made to economize time and give certainty. A good index is one which leads an inquirer directly to what he wants and puts him in touch with all that he seeks. The insight and comprehensive knowledge which a lawyer must have who presumes to foresee what other lawyers may want in the body of statutes have apparently escaped the attention of those who have given the subject of indexing the statutes consideration. Such indexes must meet the practical needs of the lawyer because sooner or later all exact and serious use of the statutes falls to men trained in law.

The tremendous increase throughout the world, and particularly in the United States, in legislative-made law is a matter of current comment. Reliable indexes to this vast material should be made. Economy demands it. The aggregate cost of time now expended in separate searches, because of the lack of such indexes, is immeasurable. But this cost is a bagatelle compared with that which proceeds from the unspeakable condition of the statutes themselves. For under this head must be reckoned not only the cost of useless litigation and unnecessary injustices, but the demoralizing effect upon society which lawless statutes produce in the way of lawlessness. Therefore the cost of a statutory-law service is trifling in comparison with the economies which may be effected if lawyers of the right quality are permanently employed to study the statutes and index them and the fruits of their experience and skill are made use of by the legislators.

The practical relation of scientific indexes to better legislation has not been understood in this country. It should be carefully considered. By bringing to light all the law which has a bearing on the subjects of proposed legislation, such indexes would undoubtedly enable our legislators (particularly if they avail themselves of the assistance of the statutory specialists who made the indexes) to prepare statutes which are not only more harmonious and consistent in principle, precise in phraseology, and clear and intelligible in form, but which are better in subject matter, fewer in number, and shorter in length. If one would get an idea of the pathology, or nosology of our statutory drafting, he should read the books on statutory construction. They illustrate copiously the bad drafting which comes from not employing lawyers who are habituated to the exact, painstaking work of indexing, drafting, and consolidating the statutes.

On the Continent of Europe, where they have been preparing codes and revisions for 2,000 years, and in England, a detailed subject index of the statutes has generally been considered a prerequisite process of the scientific method which should be employed in the preparation of an accurate and orderly revision, consolidation, or codification of the sessional statutes. The correlations secured by means of a scientific index afford, not only the only safeguard against an inadvertent omission of any items in the sessional statutes, but they are absolutely essential to the most logical and practical classification of the subject matter of the sessional statutes. The study which is given the statutes in the preparation of an index to them is cursory compared to that which may

be necessary on any particular subject in the preparation of a code or consolidation of it, but the understanding of the historical and comparative relations of the statutes as a whole with their particular parts, which may be gained by an able lawyer in scientifically indexing them, becomes invaluable to him in the preparation of a consolidation or in the drafting of supplementary legislation.

As to the indexing of foreign law, it is possible here to spend a good deal of money and get very little that has practical use. Like the statutory law work already discussed, it requires a legal mind of particular aptitude and judgment. In addition, it requires that the principles, concepts, and conditions of a foreign-law system shall be understood in the terms of the principles, concepts, and conditions of our American law system. The absence of equivalents necessitates careful study and close comparisons. The lawyers who have the capacity and training to index and expound foreign legislation are few. It would therefore be wise to develop this phase of our statutory law work gradually, but the preparation should be begun at once. The initial work is large and some of it is very difficult. Besides collecting the law literature of each country which is most practically useful and determining the classes of subjects which should be indexed comparatively, the preparation of a classification plan must be taken up. This involves many perplexing problems, which probably could be best worked out in connection with the work involved in answering the inquiries which come from Congress for the foreign law on particular subjects. By the use in such special investigations of carefully thought-out methods, it is possible to develop gradually a system of records which may become the basis for the ultimate index.

Congress, like all the American legislatures, is constantly informed that such and such has been the legislative action of some foreign state. At present there is absolutely no way by which our legislatures can systematically verify these assertions.

Individuals are occasionally employed for a short time at high compensation (because temporary service ordinarily costs more relatively than permanent service) to report the foreign law on some very important subject. Frequently these individuals are not thoroughly trained in the technicalities of American law and the foreign laws which they must handle. Their reports therefore lack the exactness which a serious use of the material demands. Such reports, too, are frequently inaccurate for another reason. To search any law subject with thoroughness one should check up his own investigations with all the best treatises, digests, encyclopedias, compilations, and other law reference books to be had. The occasional investigator of foreign laws not only does not know of the existence of many of these law reference books, but, because such books have not been systematically gathered by any law library, he is frequently unable to obtain those of which he may know in time for his investigation. In every country there are law books published which are inaccurate, incomplete, unindexed, or poorly indexed and arranged, and there are other publications which are copiously annotated, accurate, complete, and fully indexed. The

occasional investigator of foreign law can hardly be expected to have the latest and fullest information about the relative, practical, and scientific value of the law literature of the several countries which are involved in his report on a particular subject.

It is to be assumed that American legislators are anxious to avail themselves of the experience and suggestion contained in foreign statutes wherever a particular legislative device, after careful investigation of the surrounding conditions, seems susceptible of practical adaptation. Very infrequently is it safe to enact, without modification, the statute of another jurisdiction. The foreign statute may contain a suggestion which, to be of practical use, must be wisely adapted. This is a fact often overlooked by the superficial and clamorous reformers. Every consideration of prudence and economy dictates that Congress should have its own permanently employed lawyers for such work, that they should be persons of special aptitude and training for the unique task and thoroughly devoted to the particular law service for which they are retained.

The propriety of authorizing the law library to undertake this law work might be questioned because of the novelty of the proposal. The reasons for it would seem to be that such a statutory-law service, in order to do its work, must be diligently employed throughout the year whether Congress is in session or not; that the Library of Congress is the only branch of Congress which has a permanent and responsible executive organization; that the supervision of such a service and the furnishing it with the stationery and other supplies regularly needed could be done most conveniently through the organization of the Library of Congress; that from the nature of the work it will be necessary constantly to use the law books and periodicals of the law library; that such use must be made without interfering with the use of these materials by readers, borrowers, and others who rely upon the law library collections; that a statutory-law service should have readily at hand the experts in legal bibliography whom the law library must necessarily employ in order to gather its law literature; that in general the duties of procuring the law literature and of making its subject matter available to the needs of Congress are so intimately connected that it would be more economical and efficient to establish a statutory-law service in connection with the law library; further, the fact that the law library has had a place in the Capitol Building for many years, and that a statutory-law service should have a location in the Capitol during the sessions of Congress and there enjoy the fullest access to a working law library, makes it desirable that such a service should form a part of the law library organization; finally, it would be generally admitted by the Senators and Representatives that such a service must be kept strictly out of politics if any reliance is to be placed upon its assistance, and that the sole consideration in the selection of the individual assistants must be their technical fitness for statute-law work.

If it should seem that the points urged in respect to the study of statute law by lawyers of aptitude and training have been unduly empha-

sized, let some of the more obvious aspects of the problem be borne in mind.

The great body of statutes are concerned with the administrative duties and powers of the public authorities. The lawyer in general practice has little or no occasion to consider in a general or comprehensive way the administrative system as a whole. American statutes undertake to regulate legal relations in much more minute detail than is done in other countries. It is therefore necessary that American legislators should have a more detailed and exact knowledge of administrative law than the legislators of other countries, and this necessity is again emphasized by the fact that the chief executive authorities of all other popular lawmaking countries are members of the legislatures and are expected to initiate legislation and stand ready in debate to explain the relation of the existing administrative law to their proposed measures.

In other constitutional governments the interpretation which the legislature may give the constitution is final and its enactments are always law. In the United States the judiciary is given a veto on the statutes which do not conform with its constitutional interpretations. It is therefore most important that the legislators in this country know more concerning the decisions of the courts than those in other countries. To retain the confidence of the public and to avoid the humiliation of attempting to enact statutes which it is obvious can have no legal force, our legislatures should have some systematic way of ascertaining the existing law which is incident to any subject of proposed legislation.

The confusions, contradictions, and defects generally in the form and phraseology of the American statutes are subjects of common reproach by the judiciary, the legal profession and the legislators themselves. In view of the condition of the statutes enacted in foreign countries, it can hardly be seriously urged that faults of this character are the inevitable accompaniment of lawmaking by popularly elected lawmakers.

The function of law is to regulate the relationships of society. The more complex those relationships become the more difficult they are to regulate. The increasing complexity of modern society is a matter of current comment, likewise the swiftness with which relations are established and broken among men in our moving civilization. The legislative methods which are satisfactory in a rural and sparsely settled country can hardly be expected to succeed in a densely populated community engaged in innumerable occupations. There is a strong tendency, particularly in the United States, to call upon our legislatures to modify and remedy existing law. To respond to such demands, the legislatures should have their own special assistants, who are familiar with the legislative point of view, to prepare for them clear, exact statements of the existing law and the problems involved in particular subjects of proposed legislation. Ours is the only great country having popular lawmaking bodies which fail to employ specialists in statutory law to assist them. The fact that this device has been developed in foreign countries should be no objection to it if it seems to offer, in some degree, a remedy to the evils which are recognized and deprecated by all. At

least, such a device seems worthy of serious consideration at this time. For it will take some years for any group of lawyers to develop the methods and skill which have been gradually developed abroad by the lawyers who are employed to index and consolidate the statutes and to assist in the drafting of new legislation.

ATTORNEYS AND ASSISTANTS NEEDED

As a next step toward the establishment of a statutory-law service in the Law Library, it is recommended that the present appropriation of \$10,840 be increased to \$20,440. It would be preferable to have this appropriated as a lump sum for the payment of salaries, as follows:

Foreign-law attorney.....	\$3,000
Foreign-law attorney (these men must be well trained in Anglo-American law and between them have a thorough grasp of the principles and juristic phraseology of the law of the Teutonic and Latin countries).....	2,500
Foreign-law stenographer (he must have some training in law and foreign languages).....	1,200
The total appropriation recommended to begin the foreign statute law service is \$6,700.	
American-law attorney.....	\$3,000
American-law attorney.....	2,500
American-law attorney.....	1,800
American-law attorney.....	1,500
American-law attorney and proof reader.....	1,200
Law stenographer.....	900
Law stenographer.....	720
File clerk.....	720
Law librarian and attorney.....	500

The total appropriation recommended to continue the statute-law service, covering statutes in the English language, is \$13,740. The study of the English statutes and British colonial statutes for the purpose of a comparative index to foreign statutes would be conducted by the attorneys who are at present indexing the statutes and treaties of the United States. During the period when Congress is in session they would hold themselves in readiness to prepare reports for the committees of the Senate and House on any subject of existing law. When Congress is adjourned they would continue, for the immediate present, the indexing, which has been begun. They would also prepare complete tables of the repeals and amendments to indicate the relations of the statutes and resolutions in these respects. The index and tables are basic to any exact work in connection with the compiling, consolidating, or drafting of statutes. The experience gained in this initial study of the statutes will be invaluable to the doing of any further work which Congress may authorize.

BILL DRAFTING

EXHIBIT 10

[Extract from an address by James Bryce (British ambassador), before the New York State Bar Association, Jan. 24, 1908.]

To secure these merits two things are needed, viz, that a bill as introduced should be skillfully drafted, and that pains should be taken to see that all amendments made are also properly drafted, and that the working is carefully revised at the last stage and before the bill is enacted. Of these objects the former is in England pretty well secured by the modern practice of having all government bills—these being the most important and the large majority of those that pass—prepared by the official draftsman, called the parliamentary counsel to the treasury. If the form is not always satisfactory, that is due not to his fault, but to parliamentary considerations, viz, the need for putting measures into shape which makes it least difficult to run them through Parliament. As respects amendments in committee and final revision, our English procedure is not satisfactory. There ought to be some means of correcting, before a measure finally passes, those inelegancies, redundancies, and ambiguities which the process of amending in committee usually causes. But as Parliament has, so far, refused to allow any authority outside itself to alter the wording in the smallest point of form, all that can be done is to use the last stage of the bill to cure such blemishes as can be discovered. Doubtless the same difficulties arise here. I am not fully informed as to how they are dealt with, but have learned with great interest of the efforts recently made in Wisconsin, under the zealous initiative of Mr. McCarthy, and in this State also, to supply by a bureau of legislation assistance to members of the legislature in the preparation of their bills. The value of this seems to have been already recognized in both States, and I hear that there are now seven States in all where arrangements are made by State authority for such help.—[From *Columbia Law Review*, vol. 8, Mar., 1908, pp. 160-161.]

EXHIBIT 11

["The Need of Parliamentary Draftsmen," by F. J. Stimson. Extract from his "Popular Law Making," 1910, pp. 361-363.]

The most important statute of the United States is perhaps the most horrible example of slovenliness, bad form, and contradiction of all. The Hepburn Act is the amended interstate-commerce act, and is printed by Congress in a pamphlet incorporating with it quite a different act, known as the Elkins Act, besides the safety-appliance act, the arbitration act, and several others. We all remember under what political stress this legislation was passed, with Congress balking, the Senators going one way, the Attorney-General another, the radical Congressmen in front, and the President pushing them all. It is easily intelligible that such a condition of things should not tend to lucid legislation, particularly when an opposing minority do not desire the

legislation at all, and hope to leave it in such a shape as to be contradictory, or unconstitutional—or both. (This has been intentionally done more than once.) All of it a mass of contradictions or overlaying amendments; the first important part of it which came under the scrutiny of the Supreme Court only escaped being held unconstitutional by being emasculated. Its other clauses have yet to face that dreaded scrutiny. Its basic principle has yet to be declared constitutional, while the only principle which has proved of any value was law already. This wonderful product of compromise starts off by saying "Be it enacted, etc., section 1 as amended June 29, 1906." It begins with an amendment to itself. It does not tell you how much of the prior law was repealed, except upon a careful scrutiny which only paid lawyers were willing to give. Upon the old interstate-commerce act of 1887, after quoting it substantially in full, it adds a mass of other provisions, some of which are in *pari materia*, some not; some contradictory and some mere repetitions. It amends acts by later acts, and, before they have gone into effect, wipes them out by substitutions. It hitches on extraneous matters and it amends past legislation by mere inference. Like a hornet, it stings in the end, where revolutionary changes are introduced by altering or adding a word or two in sections a page long, and it ends with the cheerful but too usual statement that "all laws and parts of laws in conflict with provisions of this act are hereby repealed." As a result no one can honestly say he is sure he understands it, any more than any serious lawyer can be certain that its important provisions are any one of them constitutional. And that huge statute with sections numbered 1, 2, 5, 16, 16a, etc., with amendments added and substituted, amended and unamended, is contained in 27 closely printed pages. I venture to assert boldly that any competent lawyer who is also a good parliamentary draftsman could put those 27 pages of obscurity into 4 pages, at most, of lucidity, with two days' honest work. By how little wisdom the world is governed! And how little the representatives of the people care for the litigation or trouble or expense that their own slovenliness causes the people! For the necessity of political compromise is no excuse for this.

I therefore urged before the National Association of State Libraries, at their annual meeting of 1909, that they should use their influence with the various State governments at least (1) that all revisions be authenticated, authorized, and published by the State; (2) that the annual laws be separated, public from private, and be printed by numbered chapters arranged either chronologically or topically; (3) that the indexes be arranged under the 40 general heads used by the New York State Library in its annual digest, with such additional heads as may, perhaps, prove necessary in some States, such as, for instance, Louisiana, which has subjects and titles of jurisprudence not known to the ordinary common-law States; (4) that the constitutions be printed with the laws; (5) that every State, under a law, employ a permanent, paid parliamentary or legislative draftsman whose duty it shall be to recast, at least in matters of style and arrangement, all acts before they are passed to be engrossed.

Any private member introducing a bill can, of course, avail himself of the draftsman's services before the bill is originally drawn. His advice may be required by the legislature or by legislative committees on the question whether the proposed legislation is necessary; that is to say, whether it is not covered by laws previously existing. It shall be his duty then to edit the laws, arrange them for publication, and to authenticate by his signature the volumes of the annual laws. One person is better than two or three for such work, but he should be paid a very large salary so that he can afford to make it his life work. He should be appointed for a very long term and should have ample clerical assistance. It should also be his duty to correspond and exchange information with similar officials in other States.

EXHIBIT 12

[Extract from recommendation of a committee (headed by Judge Baldwin) "on improving methods of legislation" proposing (for each State and the United States) a "joint standing committee (of the legislative body) for the revision of bills."]

Your committee would recommend the adoption of the following resolutions:

1. *Resolved*, That in the opinion of the American Bar Association a fundamental change is necessary in the methods of enacting laws throughout the United States; that both in Congress and the legislative bodies of the States laws are enacted without responsibility and without any such safeguards and methods as will insure responsibility for laws to be enacted, accuracy in their expression, their harmony with existing law, or to prevent the machinery of legislation from being used by sinister interests against the public weal.

2. *Resolved*, That in the opinion of the American Bar Association such constitutional amendments should be incorporated in the fundamental laws of the various States and of the United States as will create responsibility for public legislation and as will call into being some revisory power over proposed legislation other than the mere veto power of the President and of the governors.

3. *Resolved*, That the following draft act if adopted in the several States would, in the judgment of the association, do much to remedy the evils in question; that the local councils in each State be requested to endeavor to secure its passage therein; and that the secretary print it in suitable form for legislative consideration and furnish copies to each councilor, with a circular letter calling his attention to these resolutions:

AN ACT To create a joint standing committee for the revision of bills.

SECTION 1. Within the first 10 days of every stated or special session of the [here insert the proper name of the legislative body], the president of the senate shall appoint five senators and the speaker of the [house] shall appoint five members of the [here insert house of representatives, assembly or other proper designation of the other house], who shall together constitute a joint standing committee for the revision of bills. Said committee shall have power to

require the assistance of the attorney general and his presence at their sessions, or, in case of his inability to act, to employ counsel and to fix, subject to the written approval of the governor, the compensation to be paid such counsel.

SEC. 2. Every bill shall, after the same shall have passed the legislature, and before it is signed by the presiding officer of either house, be submitted to said joint committee for report thereon, and said committee shall report the same back to the house in which it originated. Said report shall contain such suggestions for amendments as may by said committee be regarded as necessary to make the bill express clearly the intention of the legislature, and harmonize with existing statutes and constitutional provisions, or shall state that in the opinion of the committee no amendments are necessary. Said bill shall then be considered and acted upon as to its final passage.

4. *And it is further resolved*, That a fundamental division should be made between public and private legislation, and that the expediency of passing every local or special bill should be tried as a question of fact before an appropriate legislative committee, who may call in to sit with them experts upon the questions to which the bills relate, and may command the assistance of counsel, and that the expenses of such trials should be borne wholly by the private and local interest promoting the bill; and that no private legislation should be considered except upon a petition to the legislature, previously filed for a reasonable time in the office of the secretary of the state, and accompanied by a bond with surety, to be filed therewith and approved by the attorney general or State treasurer, to secure the payment of all expenses and fees incident to such legislation, which expenses and fees shall be such as the legislature shall by general law determine.—[From American Bar Association. Report of the ninth annual meeting, Aug. 18, 19, and 20, 1886, pp. 284-286, Philadelphia, 1886.]

EXHIBIT 13

[Extracts from "American Legislatures and Legislative Methods," 1907, by Paul S. Reinsch, pp. 325-328.]

The defective character of the legislative product in the United States has led to a serious consideration of methods of relief from this condition. As early as 1882, the American Bar Association passed a resolution recommending "the adoption by the several States of a permanent system by which the important duty of revising and maturing the acts introduced into the legislatures shall be intrusted to competent officers, either by the creation of special commissions or committees of revision, or by devolving the duty upon the attorney general of the State." In 1886 there was submitted to the Bar Association a draft bill by which it was provided that the legislature was to appoint a joint committee on the revision of bills, to which all bills after passing both houses should be referred for examination as to clearness of expression and harmony with existing statutes. This method has actually been employed in the Legislature of New York and in many other States. But it has not solved the difficulty. It is almost impossible to find members of the

legislature who will devote their time to this work during the very part of the session when their attention is most actively engaged by matters before the houses.

* * * * *

More effective work in improving the legislative product can be done by an expert counsel to whom members may go for advice and the drafting of their bills and to whose scrutiny all measures are to be submitted before final enactment. The attorney general, aside from being a political and partisan official, is too busy with the general duties of his office to give effective assistance in this respect. A thoroughly capable expert who, with his assistants, could give all his attention to this exacting and important work would be able to improve the technical quality of legislation materially. A beginning has been made by the appointment of legislative counsel and draftsmen in New York, South Carolina, Connecticut, New Jersey, and Wisconsin, but a further development of this system is highly to be desired. In the British Parliament no bill is introduced which has not passed through the hands of the official draftsman, a highly salaried and experienced official. He gives enactments the form in which they will surely accomplish the object desired and which will place their provisions in harmony with the rest of the law. The functions of this position require an expert knowledge of the statute and the common law, as well as powers of incisive analysis and lucid, brief, and conclusive statement. The British statutes drawn under this system are indeed models of workmanship, being free from the verbiage, redundancy, and obscurity which characterize so many American enactments. Justice Stephen has stated the requirements of a legislative draftsman in the following language:

"It is not enough to attain to a degree of precision which a person reading in good faith can understand, but it is necessary to attain, if possible, to a degree of precision which a person reading in bad faith can not misunderstand. It is all the better if he can not pretend to misunderstand it."

EXHIBIT 14.—STATUTES AND RULES RELATING TO BILL DRAFTING

NEW YORK

(Consolidated laws 1909. Legislative law, v. 3, p. 2116.)

SEC. 24. *Drafting and revision of bills.*—The temporary president of the senate and the speaker of the assembly shall appoint such number of competent persons as may be needed, not exceeding three, whose duty it shall be during the session of the legislature, on request of either house of the legislature or of any committee, member, or officer thereof, to draft bills, examine and revise proposed bills, and advise as to the consistency or other effect of proposed legislation. Such persons shall receive a compensation to be fixed by the temporary president of the senate and the speaker of the assembly, and shall be entitled to their clerical and other necessary expenses, to be approved by such officers.

CONNECTICUT

(General Statutes. Revision of 1902, title 2, the general assembly, p. 90.)

SEC. 37. *Duties of clerk of bills.*—The clerk of bills shall assist members of the general assembly in drafting bills for public acts and resolutions of a public nature, and prepare amendments to or substitutes for bills or resolutions at the request of committees. Every bill or resolution favorably acted upon by any committee of the general assembly shall, before being reported to either branch thereof, be first submitted to the clerk of bills, who shall examine such bill or resolution in respect to its form, for the purpose of avoiding repetitions and unconstitutional provisions and insuring accuracy in the text and references, clearness and conciseness in the phraseology, and the consistency of statutes. He shall return to the committee submitting it any bill or resolution that is not in correct form, with such corrections as he may propose in the form of a substitute or as amendments. He shall keep a record of each petition, bill for a public act, and resolution introduced in the house or senate, and such record shall be so kept in detail that it will disclose where said petition, bill, or resolution may be found. Such record shall, at all times, be open to the inspection of members of the general assembly and to all executive State officials. (1901, ch. 1, secs. 2, 3, 4.)

(Joint rules of the senate and house of representatives. Part of Rule X.)

It shall be the duty of the clerk of bills to prepare bills for public acts and resolutions of a public nature and amendments at the request of any committee or member of the general assembly, and before any bill or resolution is favorably reported by the committee to which it has been referred it shall be submitted to the clerk of bills, who shall examine such bill or resolution and make such corrections therein as may be necessary for the purpose of avoiding repetitions and unconstitutional provisions, and of insuring accuracy in the text and references, clearness and conciseness in the phraseology, and consistency with existing statutes. Whenever a bill or resolution not bearing the indorsement of the clerk of bills as having been so examined shall be favorably reported, the clerk of the senate or house, as the case may be, shall immediately transmit the same to the clerk of bills for examination and indorsement.

EXHIBIT 15.—RECOMMENDATIONS OF THE GOVERNORS OF CONNECTICUT, 1907-1911.

[Governor Woodruff's Message, January, 1907, pp. 5-7.]

LOOSE AND INEFFECTIVE LEGISLATION

One of the first and most important obligations of the legislature is to sift clean all of the proposed measures by critical analysis, saving what is necessary and throwing away what is not beneficial. The meaning of every measure should be made clear before it is presented for final action.

* * * * *

In 1883 provision was made by law for the appointment of a clerk of bills to see to it that all bills for public acts were in proper form.

In 1895 his duties were increased and his salary raised to \$2,500. These duties, as now defined by section 37 of the General Statutes, are such that if properly discharged by a capable man possessing the necessary skill and experience for dealing intelligently with forms of legislation, the wording of every public statute would be plain and its meaning clear. In fact such has not always been the result. Instances have occurred in which the courts have been called on to determine the intent of the legislature, because it was expressed in phrases of uncertain signification, and in several instances litigation has been necessary where the subject of the law and the interests involved were of great importance.

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To cover all this loose legislation and for fear that there may have been something passed which was not in proper form it is usual at the end of the session to pass an act—a healing act—which by its beneficent effects helps out the case and operates to negative a possible blunder.

But I would suggest as a remedy for such conditions that the position of clerk of bills and perhaps the engrossing clerk be made a permanent position, or that one or both should continue in office during good behavior. I find upon investigation that this plan has been tried in some other States, more especially in the State of Wisconsin, where the office of legislative librarian was created with a view of securing legislation in proper form.

I realize that great care should be taken in selecting a man to fill such a place. He must be a man of ability and honesty. And he should not be removable except for cause. Wisconsin has made herself distinguished for the good form of her statute laws. That State has accumulated much valuable material for the information of her legislators, arranged in a card system so that officials in charge are able to respond promptly to any inquiry for information on a subject likely to come before the general assembly or the executive departments. Laws of other States and countries are included in the indices, thus giving a safe guide to those drawing or reporting a new statute and enabling them to follow the wording of one that has stood the test of time and use.

LEGISLATIVE PUBLICITY

There is too much loose, inefficient, and conflicting legislation. In my opinion it would be a step in advance if provision should be made so that all bills intended for presentation to the general assembly should be referred first to a permanent clerk of bills, who should be an able lawyer and parliamentarian. Were such a department, with a capable official at its head, available for the members of the legislature to consult with, he could show the member who proposes a new law wherein it conflicts with existing laws; if such be the case, and he could redraw the proposed bill if it contained a flaw and could also refer in connection with it to bills in other States on the same subject matter.

Moreover, a permanent clerk of bills would in effect constitute a bureau of information that would be available not only to members of the legislature but to all the people of the State.

THE DRAFTING OF STATUTES

Every statute, being the expression of an act of command by a sovereign State, ought to be so phrased as to make its meaning clear and unmistakable.

To secure this there was created in 1882 (Public Acts, p. 215) the office of clerk of bills, with an annual salary of \$500. In 1895 (Public Acts, p. 639) his salary was raised to \$2,500 for each session of the assembly, and his duties are particularly and plainly specified in our general statutes (sec. 37). If those duties were properly performed by a competent lawyer (and only a lawyer would, in my opinion, be competent to perform them), questions of statutory construction or conflict could seldom arise. They have arisen often since this office was created, and greatly to the inconvenience of the public. To answer them is often difficult and throws a heavy burden on the courts.

The compensation of the clerk of bills is sufficient to make the place attractive to a competent man. It would be still more attractive if a person once appointed should hold during good behavior. I concur in the recommendation made by Gov. Woodruff in his inaugural message four years ago, and by Gov. Lilley in his, delivered two years ago, that the term of office be thus lengthened.

I also venture to call the attention of those who may be appointed upon the two joint committees, on the judiciary and on engrossed bills, to the high importance of so exercising their power, under General Statutes, section 122, of choosing the clerk of bills as to give to the State this year the best man whom they can get to accept the position. A sort of custom has grown up by which of late it has been commonly filled by appointing the clerk of the preceding senate, who in turn has generally been the clerk of the house in a previous general assembly. The qualifications to be looked for in one acting as the clerk of a legislative house are of course by no means the same as those which should be possessed by a clerk of bills. The same man may have them in equal degree, but it would be unusual.

The State has confided the election of this official and of the engrossing clerk to the same body, and has required that it be made by ballot, in order to secure individual independence of action. The scheme of selection has been carefully planned, and if followed in the spirit in which it was conceived seems calculated to result in a wise choice.

EXHIBIT 16 (PART I).—BILL DRAFTING IN GREAT BRITAIN

[Extract from "Legislative Methods and Forms," by Sir Courtenay Ilbert, 1901, pp. 84-95.]

PARLIAMENTARY COUNSEL'S OFFICE

* * * * *

The office was constituted by a treasury minute dated February 8, 1869, and issued when Mr. Gladstone was first lord of the treasury and Mr. Lowe (afterwards Lord Sherbrooke) was chancellor of the exchequer. Mr. Thring was appointed head of the office, with the title,

revived for that purpose, of parliamentary counsel to the treasury, and was given a permanent assistant, and a treasury allowance for office expenses and for such outside legal assistance as he might require. The whole of the time of the parliamentary counsel and his assistant was to be given to the public, and they were not to engage in private practice. The parliamentary counsel was to settle all such departmental bills, and draw all such other Government bills (except Scotch and Irish bills) as he might be required by the treasury to settle and draw. The instructions for the preparation of every bill were to be in writing and sent by the heads of the departments to the parliamentary counsel through the treasury, to which latter department he was to be considered responsible. On the requisition of the treasury he was to advise on all cases arising on bills or acts drawn by him, and to report in special cases referred to him by the treasury on bills brought in by private members. It was not to be part of his duty to write memoranda or schemes for bills, or to attend parliamentary committees, unless under instructions from the treasury.

* * * * *

The staff of the parliamentary counsel's office still remains practically the same as it was when the office was first established in 1869. The permanent staff consists of the parliamentary counsel and the assistant parliamentary counsel, with three shorthand writers, an office keeper, and an office boy, and these together run what may be called the legislative workshop. The amount allowed for payments to members of the bar, working under the direction and on the responsibility of the parliamentary counsel, is usually estimated at an annual sum of £1,500; but this amount is not always expended. Of the barristers employed, two at present attend regularly at the office, doing such work as may be required of them. But their attendance is purely voluntary; they are under no permanent engagement; they are paid by fees in accordance with the amount of work done by them, and they have their own chambers and are at liberty to take, and do take, outside work.

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Some time in the month of November the parliamentary clerk to the treasury usually sends round a circular to the other departments, requesting them to inform the treasury what departmental bills are likely to be required. All formal instructions for Government bills are sent by the treasury to the parliamentary counsel, who is thus placed in the position of being draftsman to the Government and not to any particular department.

* * * * *

The procedure adopted on receipt of the instructions will vary according to the character and importance of the measure. There will usually be a preliminary conference either with the Minister who is to take charge of the bill, or with the permanent head of his department, or with both. In the case of minor departmental measures, the instructions first received may suffice for the immediate preparation of a draft much in the form in which it will be submitted to Parliament as a bill. In the case of more important and elaborate measures, the stage of ges-

tation is naturally longer. It is often necessary to prepare memoranda stating the existing law, tracing the history of previous legislative enactments or proposals, or raising the preliminary questions of principle which have to be settled. The first draft may take the form of a rough "sketch" or of "heads of a bill." The original draft, whether in the form of a bill or otherwise, is gradually elaborated after repeated conferences with the Minister, and with those whom he takes into his confidence.

A measure will often affect more than one of the Government departments, and in those cases the departments affected will have to be consulted. The responsibility for seeing that this is done rests, primarily, with the initiating department; but, as a matter of convenience, the necessary communications are often made by the draftsman. In particular, the attention of the treasury ought to be directed to any legislative proposal involving expenditure of public money, and the parliamentary counsel, as an officer of the treasury, is charged with the responsibility for seeing that this duty is not overlooked. When there is a conflict between the views of different departments on a subject of legislation, the parliamentary counsel, from his neutral position, may often find it possible to suggest a mode of harmonizing them. And his general responsibility for all Government bills enables him to guard against the risk of one department bringing forward proposals inconsistent with those brought forward by another.

When the draft of a bill has been finally or approximately settled, it is usually circulated to all the members of the cabinet for their information before introduction into Parliament, and the parliamentary counsel supplies the executive department concerned with a sufficient number of copies for this circulation.

* * * * *

Of course, however, the labors of the draftsman do not end at this stage. The publication of a bill brings suggestions for amendment, which may be forwarded by the minister or department for consideration. After the second reading these suggestions take the form of amendments on the notice paper, which will have to be daily scrutinized. In anticipation of the committee stage, the draftsman will often find it prudent to prepare, for the purpose of refreshing his own memory, and for the use of the minister in charge, notes on the several clauses, explaining the origin and object of the proposals which they embody, referring to the precedents on which reliance can be placed and noting the arguments which may be used or which may have to be met. As the committee stage approaches, and when it has been reached, the amendments will be the subject of discussion with the minister, and alterations or consequential amendments will have to be framed. If the bill goes to a committee of the whole house or to one of the grand committees, the draftsman may, perhaps, be expected to attend the debate and to give such assistance as he can in the way of framing or modifying amendments or meeting points.

Where a bill is much amended in committee, it will require minute examination after the committee stage, for the purpose of seeing

whether there are any errors to be corrected, inconsistencies to be removed, or consequential alterations to be made; and amendments will have to be framed for insertion at a later stage. Notes will also have to be written on various points; and the literature which gathers round a bill often attains to formidable dimensions. When a bill of great importance is in progress, it requires the constant and unremitting attention of the parliamentary counsel, to the exclusion of all other work.

* * * * *

The minute of 1869 directed that the parliamentary counsel should report in special cases referred to him by the treasury on bills brought in by private members. But at present, except in the case of such references, the parliamentary counsel is in no way responsible for the preparation or criticism of such bills.

* * * * *

The objects aimed at by Mr. Lowe when he established the parliamentary counsel's office in 1869 appear to have been (1) economy; (2) better control over Government legislation with respect both to policy and to finance; and (3) improvement of the form of statutes.

All these objects have been substantially attained.

EXHIBIT 16 (PART 2).—BILL DRAFTING IN BRITISH COLONIES

In 1895 a series of questions relating to statute law was, at the instance of the Society of Comparative Legislation, London, sent by the British colonial office to the various colonial governments. Among these questions was the following:

III.—METHODS OF LEGISLATION

(a) By whom are drafts of legislative measures prepared? Is there any official draftsman? If so, by whom is he appointed, to whom is he responsible, and what are his staff and duties? Do his duties extend to measures introduced by private or nonofficial members of the legislative body?

The replies received were published in the journal of the Society of Comparative Legislation, volumes 1-2, and new series, volumes 1-2. Those received in answer to this particular question from the self-governing colonies are as follows:

BRITISH NORTH AMERICA

Dominion of Canada.—For each house of the Canadian Parliament there is a law clerk, an officer whose duties include those of a parliamentary counsel as well as those of a legislative draftsman. The law clerk of the senate is appointed by that body. The law clerk of the lower house, in which the great majority of measures are introduced (10 out of 12 of the ministers usually belonging to that house), is also law clerk of the Government, and formerly (before confederation) held a separate appointment as such from the Government. He is appointed

by Mr. Speaker, and has one assistant. The preparation of measures for private members is not part of the law clerk's duties.

Newfoundland.—There is an official draftsman called the law clerk of the legislature, appointed by and responsible to the governor in council. His duties are to draft all bills introduced into both branches, including those introduced by private members; but in practice measures are frequently drafted by private members, with or without the assistance of the law clerk. He has no staff or assistants. The minister of justice has a general supervision of all legislation, and particularly of Government measures.

AUSTRALIA

New South Wales.—1. Drafts of legislative measures are prepared by the members of Parliament introducing them, or by some persons acting under their authority or by their direction.

2. There are two official draftsmen named "Parliamentary draftsmen."

3. They are appointed by the governor with the advice of the executive council.

4. They are in the department of the attorney general, and are responsible to him.

5. The staff are the two draftsmen and an assistant.

6. The duties of the draftsmen are (1) the preparation of bills for the ministers of the Crown; (2) the preparation of bills for private members on the request of the attorney general; (3) reporting to ministers on the introduction of any bill by a private member and on its passage from the legislative assembly to the legislative council; (4) reporting to the attorney general at his request on all by-laws and regulations of public bodies submitted to him for his opinion or approval; (5) reporting on any special matter submitted by any minister to the parliamentary draftsman.

7. The duties of parliamentary draftsmen extend, as above mentioned, to measures introduced by nonofficial members of Parliament.

Queensland.—Drafts of legislative measures are prepared, in the case of Government measures, under the direction of the department concerned, and usually by a member of the bar, under the supervision, if desired, of the Crown law office. Measures introduced by private members are usually prepared under their own direction, aid being given occasionally from the Crown law office. There is no permanent parliamentary draftsman.

South Australia.—Drafts of legislative measures are prepared (1) by the attorney general; (2) by some member of the legal profession specially selected for a particular bill; (3) by some competent official, though not a member of the legal profession, who has special knowledge, e. g., the clerk of the parliaments, the principal returning officer of the Province, the military commandant; and bills of supply and appropriation by the clerk of assembly; (4) public bills introduced by private members are drafted by themselves or by whom they appoint.

There is no official draftsman.

Victoria.—Measures for submission to Parliament are prepared by the parliamentary draftsman under the direction of ministers. The parliamentary draftsman is an officer of the public service, appointed by the governor in council, and attached to the department of the attorney general, to whom he is directly responsible. His duties are to prepare all Government bills and draft amendments therein. He also, when desired, drafts bills for private members, and as a general rule of all such bills, by whomsoever drafted, are examined by him, and, when necessary, specially submitted to the attorney general or the premier for his consideration.

Western Australia.—By various persons, viz, the attorney general, a minister, or by a private member. There is now an official draftsman, appointed by the governor in council, on the recommendation of the attorney general, to whom he is responsible. He has no staff, and his duties are indeterminate. They do not extend to measures introduced by private members.

STATISTICS

EXHIBIT 17

Statistics of bills and joint resolutions introduced in Congress

	Fifty-sixth Congress	Fifty-seventh Congress	Fifty-eighth Congress	Fifty-ninth Congress	Sixtieth Congress	Sixty-first Congress
Senate bills.....	6,070	7,447	7,295	8,627	9,541	10,906
Senate joint resolutions..	166	170	116	98	140	147
House bills.....	14,339	17,560	19,209	25,897	28,440	33,015
House joint resolutions..	318	283	231	257	267	295
Total.....	20,893	25,460	26,851	34,879	1 38,388	1 44,363

¹ In addition to the above, the simple and concurrent resolutions introduced in the Senate and House of Representatives numbered in the Sixtieth Congress 1,117 and in the Sixty-first Congress 1,504.

Statistics of laws passed by Congress

	Fifty-sixth Congress	Fifty-seventh Congress	Fifty-eighth Congress	Fifty-ninth Congress	Sixtieth Congress	Sixty-first Congress
Public acts.....	383	423	502	692	350	525
Public resolutions.....	60	57	72	83	61	69
Total public.....	443	480	574	775	411	594
Private acts.....	1,504	2,309	2,799	6,248	234	285
Private resolutions.....	1	1	1	1	1	3
Total.....	1,948	2,790	3,374	7,024	646	882

Statistics of legislation, 1906-7 and 1907-8, giving number of laws and resolutions passed

	1906-7	1907-8
Alabama.....	766	92
Arizona.....	115	.....
Arkansas.....	496	.....
California.....	659	13
Colorado.....	266	.....
Connecticut.....	782	.....
Delaware.....	288	.....
Florida.....	298	.....
Georgia.....	290	293
Idaho.....	197	.....
Illinois.....	270	59
Indiana.....	300	7
Iowa.....	296	5
Kansas.....	444	87
Kentucky.....	.....	78
Louisiana.....	.....	344
Maine.....	693	.....
Maryland.....	.....	793
Massachusetts.....	726	805
Michigan.....	790	11
Minnesota.....	483	.....
Mississippi.....	.....	296
Missouri.....	285	.....
Montana.....	269	.....
Nebraska.....	206	.....
Nevada.....	299	27
New Hampshire.....	292	.....
New Jersey.....	298	333
New Mexico.....	118	.....
New York.....	772	527
North Carolina.....	1,572	215
North Dakota.....	282	.....
Ohio.....	.....	318
Oklahoma.....	.....	235
Oregon.....	294	19
Pennsylvania.....	741	.....
Rhode Island.....	227	287
South Carolina.....	230	713
South Dakota.....	251	.....
Tennessee.....	667	.....
Texas.....	250	103
Utah.....	177	.....
Vermont.....	516	.....
Virginia.....	.....	404
Washington.....	267	.....
West Virginia.....	119	49
Wisconsin.....	724	.....
Wyoming.....	109	.....
United States Congress:		
Public.....	305	209
Private.....	2,676	61

BILLS INTRODUCED IN THE SIXTY-FIRST CONGRESS

EXHIBIT 18

A BILL To establish a department in the Congressional Library for the purpose of gathering and indexing statute-law material and legal material of a comparative nature and to provide for draftsmen for congressional measures and to otherwise assist and aid Members of Congress and public officials.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created a separate department of the Congressional Library to be known as the Legislative Division of the Congressional Library. It shall have offices in the Library of Congress.

SEC. 2. That the Librarian of the Library of Congress shall appoint a responsible chief of the Legislative Division of the Congressional Library. The chief shall have a thorough training and a practical education in the principles of government and experience in the general field of political science and in the drafting of statute law. He shall have a knowledge of comparative law and governmental institutions and such other experience and training as to fit him thoroughly for the duties of said office. He shall be appointed without reference to party affiliations and shall be exempt from civil-service examination or classification, and shall hold office during good behavior. His salary shall be fixed by the Librarian of Congress, with the advice and consent of the President.

SEC. 3. That the chief shall have authority to appoint such other secretaries, technical assistants, and investigators and draftsmen as may be necessary. He shall have authority, under the conditions hereinafter specified, to employ special technical assistants outside the classified service from time to time as emergency arises. He shall gather technical material bearing upon legislation in such a manner that the President and the different departments of the Government and Congress will have ready and available such material, and to this end he is authorized to translate, gather, and index foreign data and matter relating to legislation. Other departments of the Government at Washington and elsewhere shall render all reasonable assistance to the Legislative Division of the Congressional Library in any matters of research connected with duties of said department, and public records shall be open at all times to said department.

SEC. 4. That no bill shall be drafted for Members of either House by said department save only through written instructions accompanied by a rough draft or rough notes of the provisions desired in such bill, signed by fifteen Members of the House of Representatives or by five Members of the Senate. All such rough drafts and instructions shall be kept in the permanent file of the department for future reference. No rough drafts shall be made public save upon direction from the Members requesting said drafts until the bill shall have been printed by Congress, but until that time all such data shall be considered confidential. The department shall not draft private, local, or special bills, or bills for private persons. Bills for public officials shall be drafted only on written directions from the President.

SEC. 5. That special research may be made on direction of the President or on the direction of either House of Congress. Such special research may be made through the regular office force or by special technical workers employed from time to time in such manner as may be deemed necessary and as emergency arises.

SEC. 6. That the Legislative Division of the Congressional Library, in the research carried on and in furnishing assistance in the formulation of bills, shall not furnish arguments for or against any line of policy or bill or resolution, but shall confine itself to furnishing technical, documentary, or bibliographic material or information, and to drafting bills according to the directions submitted.

SEC. 7. That said department is authorized, in addition to the powers now conferred upon the Congressional Library, to make indexes and summaries of laws, cases, and legislative matter of this country and of the States thereof and of foreign countries and to publish the same.

SEC. 8. That there is hereby appropriated to the Library of Congress for the establishment and maintenance of the Legislative Division of the Congressional Library the sum of one hundred and fifty thousand dollars annually: *Provided*, That in case of emergency or in case of research into matters of legislation or administration undertaken upon the order of the President or of Congress an additional sum sufficient to carry out the purposes of this act is hereby appropriated.

[Extract from the Daily Congressional Record, Mar. 3, 1911, p. 4284.]

A BILL, To create a United States Legislative Reference Bureau, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a bureau is hereby created, to be known as the United States Legislative Reference Bureau, to be administered by a chief appointed by the President of the United States.

SEC. 2. That it shall be the business of this bureau to locate, catalogue, and index all material in various Government departments in the shape of bills, laws, debates, departmental research, findings of commissions, consular reports, treatises in legal brief and scholarly periodical, and so forth, touching upon problems of current legislation; to gather, catalogue, and index such further material pertaining to legislative experience at home and abroad as shall seem expedient; to present to Congress at its direction a statement of the material in hand on the subject designated and a compilation of the legislative and administrative experience in such case; to provide Members of Congress, at their request, with such information as the bureau possesses and a bibliography of material on any subject desired; to aid in every possible way by the collection of information and the service of expert advice in making exact more careful legislation.

Mr. OWEN. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. On page 225, after line 2, it is proposed to insert: "To provide a legislative reference bureau as a part of the Congressional Library, under the direction of the Librarian of Congress, \$10,000."

The amendment was agreed to.

A BILL To establish a bureau for the drafting of bills.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created a bureau to draft bills as hereinafter provided.

SEC. 2. That the said bureau shall be under the direction of a chief draftsman, who shall be appointed by [?the "President of the United States," (or) the "Chief Justice of the United States," (or) the "President of the Senate and the Speaker of the House of Representatives jointly"], without reference to party affiliation and solely on the ground of fitness, by training and experience, to perform the duties of the office. He shall receive a salary of five thousand dollars per annum.

SEC. 3. That there shall be in said bureau such legal and clerical assistants as may from time to time be necessary. They shall be appointed by the chief draftsman, who shall consider in their selection solely fitness for the work to be done and shall fix the compensation to be paid to each.

SEC. 4. Public bills, or amendments to public bills, shall be drafted by the bureau, under the direction of its chief, whenever any committee of either House of Congress or five Members of the Senate or ten Members of the House of Representatives or the President of the United States shall make request and shall furnish to the chief draftsman written instructions setting forth the provisions desired. And in all cases such instructions shall be considered confidential until the bill shall have been presented to Congress.

SEC. 5. The bureau shall not draft private or local bills or bills for private persons.

SEC. 6. Estimates of the appropriations necessary for the maintenance of the bureau shall be submitted annually by the chief draftsman in connection with the bill making appropriations for the legislative, judicial, and executive expenses of the Government.

SEC. 7. The chief draftsman shall make to Congress at the beginning of each regular session a report for the preceding fiscal year as to the affairs of the bureau, and said report shall also include a detailed statement of appropriations and expenditures.

SEC. 8. In furtherance of the work of the bureau and otherwise to promote exact legislation the Librarian of Congress is authorized to employ competent persons to prepare indexes of comparative legislation, digests and compilations of law, and legislative reference bulletins on special subjects, and to provide in his annual estimates for the Library for the compensation of such persons, for the acquisition of material required for their work, and for other expenses incidental thereto.

[Provision proposed for the regular legislative appropriation, etc., act, in accordance with the foregoing.]

To enable the Librarian of Congress to employ competent persons to prepare indexes of comparative legislation, digests and compilations of law, and such legislative reference bulletins on special subjects as may further the work of the bill-drafting division created by the act approved ——— and otherwise promote exact legislation by the acquisition and supply of useful data, including subscription to and purchase of publications and other necessary material, and for traveling expenses, transportation, stationery, postage, and incidentals, ——— dollars.

A BILL To establish a division in the Library of Congress for the drafting of bills.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created a division of the Library of Congress to draft bills as hereinafter provided.

SEC. 2. That the said division shall be under the direction of a chief draftsman, who shall be appointed by the Librarian of Congress without reference to party affiliation and solely on the ground of fitness, by training and experience, to perform the duties of the office. He shall receive a salary of five thousand dollars per annum.

SEC. 3. That there shall be in said division such legal and clerical assistants as may from time to time be necessary. They shall be appointed by the Librarian of Congress, who shall fix the compensation to be paid to each.

SEC. 4. Public bills, or amendments to public bills, shall be drafted by the division, under the direction of its chief, whenever any committee of either House of Congress or five Members of the Senate or ten Members of the House of Representatives or the President of the United States shall make request and shall furnish to the chief of the division written instructions setting forth the provisions desired. And in all cases such instructions shall be considered confidential until the bill shall have been presented to Congress.

SEC. 5. The division shall not draft private or local bills or bills for private persons.

SEC. 6. Estimates of the appropriations necessary for the maintenance of the division, and for any additional work in the Library auxiliary thereto, shall be included in the estimates for the Library annually submitted by the Librarian of Congress.

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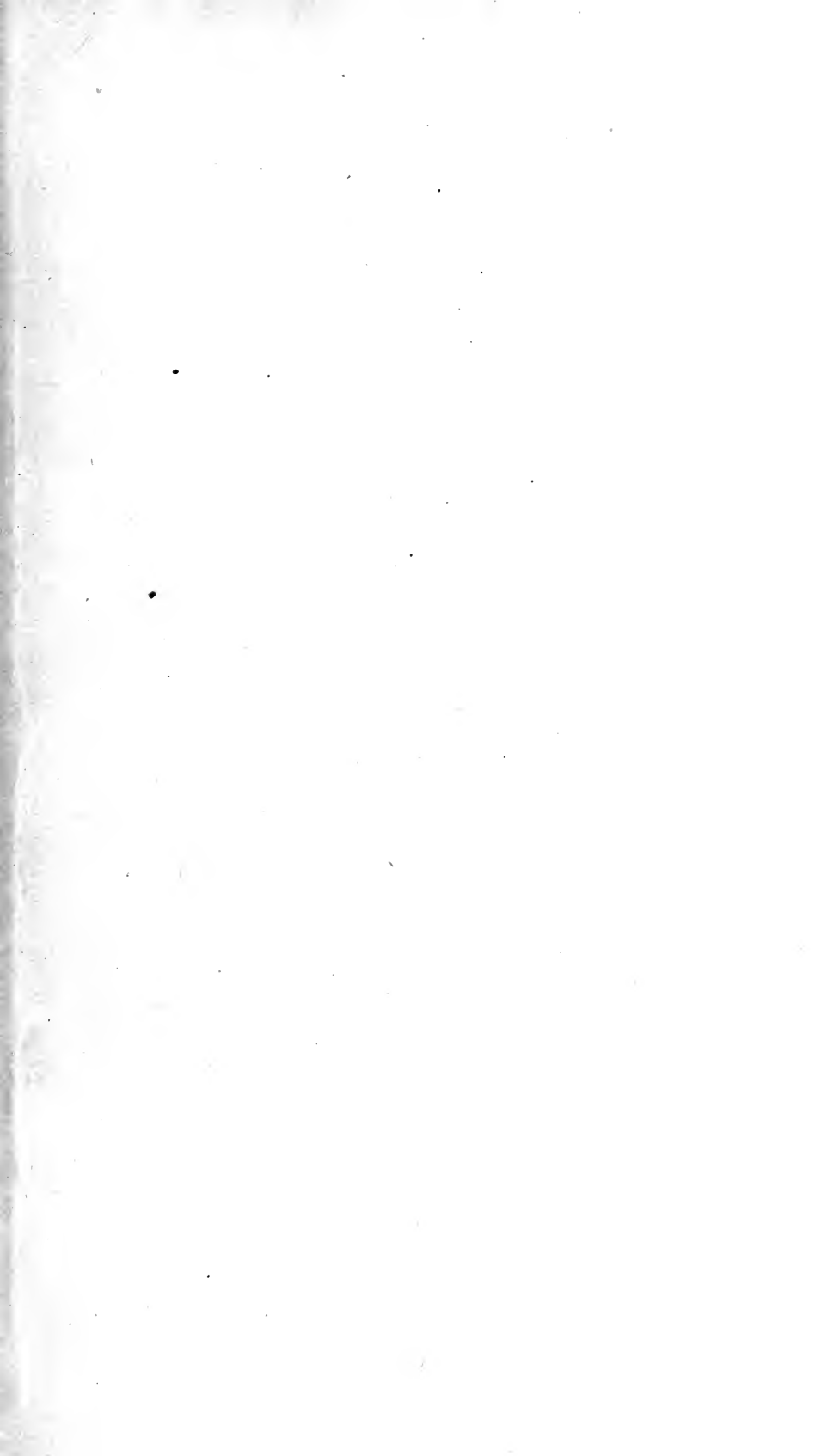
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